

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2018 - 39

Being a By-law to establish a grant program to assist with the seasonal maintenance costs of private roads and right-of-ways

WHEREAS Section 10 of *the Municipal Act, 2001, S.O 2001, C.25*, as amended, provides that a municipality may provide any thing that the municipality considers necessary or desirable for the public, including matters dealing with highways and the health and well-being of persons within the municipality;

AND WHEREAS it is deemed desirable to establish an updated policy and criteria for providing a seasonal maintenance road grant program for private roads and right-of-ways in the Municipality of Magnetawan;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. **THAT** the Municipality of Magnetawan Private Road Grants Policy be adopted as Schedule 'A' to this by-law as attached.
2. **THAT** By-law 2017-06 is hereby repealed.
3. **THAT** this By-law shall come into force and effect on the date of its passing.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 6th day of June, 2018

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk-Administrator

SCHEDULE 'A' to By-law 2018-39

Private Road Grants Policy

1. GENERAL

This Policy outlines the manner in which the Municipality of Magnetawan will distribute **Private Road Grants**. These grants will assist property owners with costs for the summer maintenance of private roads and right-of-ways (ROWs), resulting in better accessibility and safety for traffic.

Grants are not guaranteed, and due to budgeting constraints, grants may be curtailed at any time by resolution of Council.

Council may from time to time establish further conditions regarding the approval of grants that may be applied generally or to a specific situation.

The Municipality of Magnetawan shall have no responsibility or obligation or exercise any degree of operational control with respect to maintenance of the affected private road or ROW.

2. DEFINITIONS

Private Road means a road that is located on private lands that is used to access more than one property with a unique owner and includes a right of way (ROW).

Eligible Maintenance means work that is done on a Private Road to make substantial improvements to the Private Road's form or function, in the calendar year of the granting program, and does not include plowing, sanding, salting or any other form of winter operational maintenance.

3. PROCEDURE

- i. Property owners with lands fronting on a Private Road, including the owners of vacant or undeveloped lots, may form a Road Maintenance Group which shall include and represent at least two-thirds (2/3) of those property owners, and the Group shall appoint a representative;
- ii. The Road Maintenance Group shall contract or have performed the necessary Eligible Maintenance to the Private Road and shall keep all resulting receipts or invoices. The Road Maintenance Group shall be solely responsible to oversee the administration and supervision of annual work programs and related budgets.
- iii. The Road Maintenance Group shall complete and submit the attached Application for Private Road Grant prior to the specified deadline;
- iv. All applications shall be submitted to the Clerk-Administrator, who shall have the authority to determine grant eligibility and to authorize grants based on the following criteria:
 - a) documentation of participation by two-thirds (2/3) of property owners in sharing the costs of Eligible Maintenance (e.g., list of signatures, copies of emails, copies of cheques);
 - b) documentation of a dedicated bank account in the name of the Road Maintenance Group for the purpose of receiving the grant (the cheque will be made out in the name of the Road Maintenance Group; and

- c) inclusion of paid invoices for Eligible Maintenance expenditures;
- v. The total annual grant amount shall be set by Council during the annual budget process. Individual grant amounts shall be determined based on a maximum amount equal to “X” factor plus “Y” factor. “X” factor shall represent a dollar value per kilometre of roadway and “Y” factor shall represent a dollar value per unique property (meaning that two properties on the Private Road with a common owner are counted as one property);
- vi. Grants shall be paid in one lump sum to the Road Maintenance Group;

4. CALCULATION OF GRANTS

Grants shall be calculated based on the length of the Private Road, and the number of properties with unique ownership that the Private Road services, or “X” factor plus “Y” factor.

The formula to determine the eligible amount for each grant shall be a maximum of:

$$(\text{“X”} \times \$250.00) + (\text{“Y”} \times \$40.00)$$

where,

“X” equals the length of the Private Road in kilometres; and
 “Y” equals the number of properties with unique ownership along the Private Road

Example Calculation

Bumpy Road is a Private Road located in the Municipality of Magnetawan and is 2.5 km in length. Although there are twenty properties along Bumpy Road, only ten of them have unique owners. Owners from seven of the ten unique properties have formed the Bumpy Road Maintenance Group and appointed Mr. Smooth as the Group’s representative. Mr. Smooth has opened a separate bank account in the Group’s name.

In the summer of 2018, the Bumpy Road Maintenance Group hires a company to place and grade two tonnes of fill on Bumpy Road for a total cost of \$2,000. The Group pays the contractor in full for the work and material.

The Group completes and submits an application to the Municipality prior to the deadline.

They calculate the “X” factor as:	2.5 km x \$250 = \$ 625.00
They calculate the “Y” factor as:	10 property owners x \$40.00 = <u>\$ 400.00</u>
The total grant requested is equal to “X” plus “Y”	= \$1,025.00

The Bumpy Road Maintenance Group is eligible for a maximum grant of \$1,025.00.

Following the application deadline, Magnetawan staff reviews all applications and approves grants from funds as allocated in the annual budget. The Bumpy Road Maintenance Group may receive the maximum grant if:

- the total of all grants in that year is less than the amount allocated in that year’s budget; and
- the Group’s maintenance costs were greater than the maximum eligible grant amount.

APPLICATION FOR PRIVATE ROAD GRANT

Submission deadline: November 9th, 2018 at 4:00 PM

Private Road Name or Location: _____

Length of Private Road (km): _____ ("X")

Number of unique property owners: _____ ("Y")

Maximum Eligible grant: _____
("X" x \$250.00) + ("Y" x \$40.00)

Road Maintenance Group Name: _____

Number of participating property owners: _____

Total paid for Eligible Maintenance: \$ _____
(please attach all receipts/invoices)

Road Maintenance Group Representative:

Name: _____

Magnetawan 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 Road Maintenance
Group representative

Date signed

