

## THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

### BY-LAW NO. 2020 - 44

**Being a By-law to establish a grant program to assist with the seasonal maintenance costs of privately maintained roads and right-of-ways and may be referred to as “The Private Roads Grant By-law”**

**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 privately maintained roads and right-of-ways in the Municipality of Magnetawan;

**AND WHEREAS** funds for the Private Road Grant are dependent on allocation of funds in the municipal annual budget;

**AND WHEREAS** the Municipality of Magnetawan Private Road Grants Policy be adopted as follows:

#### 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 privately maintained road or ROW.

#### 2. DEFINITIONS

*Private Road* means a road that is privately maintained and 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. To be eligible to receive a grant property owners fronting and /or utilizing one or more opened privately maintained road(s) 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. Owners wishing to receive the grant for private maintenance on Municipal property must be entered into or willing to enter into a license agreement to maintain roads.
- iii. 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.

- iv. The Road Maintenance Group shall complete and submit the Application for Private Road Grant prior to the specified deadline.
- v. All applications shall be submitted to the Deputy Clerk, 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.
  - b) documentation of a dedicated bank account in the name of the Road Maintenance Group for the purpose of receiving the grant.
  - c) inclusion of paid invoices for Eligible Maintenance expenditures.
- vi. 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).
- vii. 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:

$$("X" \times \$250.00) + ("Y" \times \$40.00)$$

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

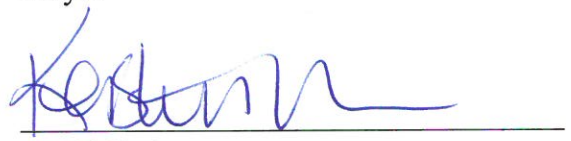
**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. **THAT** By-law 2020-36 is hereby repealed.
2. **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 15<sup>th</sup> day of July, 2020.

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

  
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Mayor

  
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CAO/Clerk