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**CANADA  
PROVINCE OF QUEBEC  
ARGENTEUIL R.C.M.  
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON**

**BY-LAW NO. 238-2015**

**BYLAW NUMBER 238-2015 ESTABLISHING A POLICY FOR ANNUAL FUNDING TO IMPROVE THE SAFETY AND SECURITY OF ROADS ON THE TERRITORY OF THE MUNICIPALITY OF HARRINGTON**

**WHEREAS** many private roads exist on the territory of the Municipality;

**WHEREAS** local Associations have been established and have goals of maintenance and construction of certain private roads;

**WHEREAS** local associations responsible for the construction and maintenance of private roads have expressed some concerns as to the accessibility of emergency vehicles to the properties of their members and are seeking help from the Municipality;

**WHEREAS** under section 90 of the Municipal Powers Act (chapter C-47.1), in addition to the financial assistance provided, the Municipality may in respect of the matters set out in articles 4 and 85 to 89, grant any assistance it deems appropriate;

**WHEREAS** section 91 of the Municipal Powers Act (chapter C-47.1) allows the Municipality to provide assistance in the matter of creation and continued on its territory or outside of it, for all initiative for the well being of the population;

**WHEREAS** the Council considers it appropriate to adopt an annual financial assistance policy to help associations responsible for private roads, in order to increase the safety and security of said roads and to ensure the passage of emergency vehicles and municipal equipment in a safe manner with as little damage as possible;

**WHEREAS** Council adopted Regulation number "232-2014" establishing a policy of annual financial assistance for improving the safety and security of private roads for the safe passage of municipal equipment and emergency vehicles in the territory of the Municipality of Harrington in August 2014;

**WHEREAS** the Council considers it appropriate to adopt the By-Law number "238-2015" establishing a policy of annual financial assistance for improving the safety and security of private roads for the safe passage of municipal equipment and vehicles emergency on the territory of the Municipality of Harrington to replace 232-2014 regulation;

**WHEREAS** a notice of motion of this law was duly given by councilor Richard Francoeur in the Council meeting held March 2, 2015;

**THEREFORE**, it is declared and enacted law number "238-2015" establishing a policy of annual financial assistance for improving the safety and security of private roads for the safe passage of municipal equipment and vehicles emergency on the territory of the Municipality of Harrington, as follows:

**ARTICLE 1**

The preamble is an integral part of this By-Law.

## **ARTICLE 2- DEFINITIONS**

ASSOCIATION : A legal person of a non-profit organization consisting of a minimum of four (4) members of property owners adjacent to the road, created by patent letters as required by law in order to pursue a common purpose other than for pecuniary benefits sharing among its members.

PRIVATE ROAD: A private road consists of car and vehicular traffic whose base has not been transferred to a municipality or government.

AGREEMENT: Written agreement signed between two parties including the conditions to respect, the terms of the agreement and to provide the guarantees.

MAINTENANCE: Action to hold something in good condition and the means to achieve it.

ELIBIBLE WORK: Improvement work to maintain or increase the safety of a private road.

## **ARTICLE 3 - PURPOSE OF THE BY-LAW**

The purpose of the By-Law is to establish a policy governing the granting of financial assistance to private association of roads that manage the maintenance of part or all the private roads under their responsibilities.

## **ARTICLE 4 - APPLICATION PROCEDURE FOR FINANCIAL ASSISTANCE**

Associations wishing financial assistance must submit an application to the Municipality by including the following:

1. An explanatory letter detailing the eligible work and the basis for the request for financial assistance. The letter should included:
  - a. details showing the improved safety on the road;
  - b. the foreseen start and end date of the work;
  - c. the contact details of the contractor responsible for the work along with his business licence and/or valid GST and PST tax numbers;
  - d. the names of all the roads and the number of kilometers by road that fall under the responsibility of the Association;
2. Patent letters or proof of registration of the Association;
3. A resolution from the Board of Directors of the Association naming the person responsible for the request and allowing him/her to take action on behalf of the Association;
4. The address in Harrington of the people belonging to the Association;
5. If available, recent photographs showing the problem areas or the current state of the road;
6. A summary of the work stages along with the estimated costs;

An association can file multiple projects within the same year with the maximum amount of financial assistance indicated in Article 6 being applied to the total sum of all the submitted projects.

The maximum amount will apply only to projects that have been completed during the current year.

A project of an urgent nature, already completed before the filing of the request, presented during the current year, is eligible for deposit and analysis by the committee.

The municipality provides associations with a resource who will answer questions concerning the application process. This resource can clarify the requirements for the

deposit of the project, but cannot judge on the validity of the financial request nor its admissibility.

Applications will be evaluated by the Committee named "Pilot Project for financial assistance for the maintenance of roads under the responsibility of the Associations".

The Committee may require that the Association supply additional clarification additional information for analysis of the application.

Applications having a positive recommendation will be forwarded to the Municipal Council of the Township of Harrington for approval.

The Municipal Council has the discretion to accept or reject any application, whether or not they have received a recommendation from the Committee.

Applications approved by the Municipal Council will then be subject to an agreement between the Association and the Municipality to establish the obligations of both parties.

#### **ARTICLE 5 - DEADLINE TO APPLY**

All requests for funding must be submitted by the third (3<sup>rd</sup>) Friday in November of the current year.

Incomplete applications will not be evaluated by the committee.

Applications valid for review by the committee must include eligible works that have been completed between January first (1<sup>st</sup>) and the third (3<sup>rd</sup>) Friday in November of the current year.

#### **ARTICLE 6 - CONDITIONS TO RESPECT IN ORDER TO OBTAIN FINANCIAL ASSISTANCE**

To be eligible for the reimbursement, an agreement must be signed between the Municipality and the Association making the request.

The Association shall ensure that the work be carried out for reasons and by the means described within the application.

The work must be carried out and finished between January 1<sup>st</sup> and the 3<sup>rd</sup> Friday of November of the current year.

The final amount of the financial assistance will be determined following receipt of the final report to be filed before the third (3<sup>rd</sup>) Friday in November.

Only work performed and billed by a registered contractor and/or having a GST and PST tax number will be considered valid.

The association must ensure that the relevant invoices indicate the GST and PST tax numbers corresponding to the company and the tax amounts charged for the works to be presented separately from the total amount (tax ventilation).

The maximum amount of financial assistance applied for is \$ 350.00 per kilometer of road maintained by the Association up to a maximum of \$ 3 500.00 annually, per association.

In order to be eligible for financial assistance again, Associations must submit a complete application each year.

No financial assistance will be paid prior to the completion and receipt of the final report.

#### **ARTICLE 7 - ELIGIBLE COSTS**

Eligible costs include:

- The cost of labour and materials;
- Fees for:
  - assessment/study of the state of the road network (register of the private road network);

- preparation of a plan for maintaining a safe road network of quality;
- preparation of an action plan to improve the safety of roads;
- Expertise fees related to the achievement of eligible work;
- The fees for permits and certificates of authorization;
- The applicable taxes.

**ARTICLE 8 - CHANGES AND BREACH OF AGREEMENT**

In case of non-compliance, the agreement shall be null and void. Any changes to the agreement must be submitted **BEFORE** the start of said work to the Municipal Council and this in writing to the General Direction of the Municipality.

The Council of the Municipality reserves the right to request proof or additional documents before giving its approval for further work.

**ARTICLE 9 - FINAL DISPOSITIONS**

Any help from the Municipality granted under this By-Law shall be construed as acceptance of ownership of a road giving access to dedication, the Municipality expressly denying any such dedication.

**ARTICLE 10 - COMING INTO FORCE**

The present By-Law comes into force in accordance with the Law.

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Jacques Parent  
Mayor

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Sarah Channell  
Director general and Secretary-Treasurer

Date of notion of motion	March 2, 2015
Date of adoption	April 14, 2015
Date coming into effect	May 1, 2015