

**CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON**

**BY-LAW NUMBER 306-2024 ESTABLISHING A POLICY OF ANNUAL FINANCIAL ASSISTANCE FOR THE PURPOSE OF IMPROVING THE SAFETY AND SECURITY OF PRIVATE ROADS ON THE TERRITORY OF THE MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON REPEALING BY-LAW # 268-1-2021**

**WHEREAS** many private roads exist within the municipality.

**WHEREAS**, in addition, local associations have been set up to carry out maintenance work on certain private roads.

**WHEREAS** the Local Associations responsible for the maintenance of these private roads have expressed some concerns regarding the accessibility of emergency vehicles to their members' properties and are requesting assistance from the Municipality.

**WHEREAS**, pursuant to section 90 of the Municipal Powers Act (chapter c-47.1), in addition to the assistance measures otherwise provided for, the Municipality may, in respect of the matters provided for in sections 4 and 85, grant any assistance it considers appropriate.

**WHEREAS** section 91 of the Municipal Powers Act (C-47.1) allows the Municipality to aid in the creation and pursuit, within or outside its territory, of any public welfare initiative.

**WHEREAS** the Commission has adopted By-Law Number 238-2015 establishing an annual financial assistance policy to improve the safety and security of private roads for the safe passage of municipal equipment and emergency vehicles within the Municipality of the Township of Harrington.

**WHEREAS** the Commission has repealed Regulation No. 238-2015 and the following establishing an annual financial assistance policy to improve the safety and security of private roads for the safe passage of municipal equipment and emergency vehicles on the territory of the Municipality of the Township of Harrington.

**WHEREAS** the Commission considers it appropriate to adopt Regulation 306-2024 establishing an annual financial assistance policy to improve the safety and security of private roads for the safe passage of municipal equipment and emergency vehicles within the Municipality of the Township of Harrington previous regulation, regulation 268-1-2021.

**WHEREAS** Notice of Motion for this By-law was duly given by Councillor Gerry Clark at the meeting of the Board held on January 15, 2024.

It is decreed and determined by regulation number 306-2024 establishing an annual financial assistance policy to improve the safety and security of private roads for the safe passage of municipal equipment and

emergency vehicles within the Municipality of the Township of Harrington, as follows:

#### **ARTICLE 1 – PREAMBLE**

The preamble shall form an integral part of this Regulation.

#### **ARTICLE 2 - DEFINITIONS**

ASSOCIATION: A not-for-profit legal person consisting of a minimum of four (4) members who own residences contiguous to the road concerned, constituted by letters patent, cooperatives (Act respecting cooperatives – CQLR, c.C-67.2) or registered with the Business Register of Québec, as prescribed by law, to pursue a common goal other than the achievement of monetary benefits to be shared among its members.

PRIVATE ROAD: A private road consists of a car and vehicular road open to free public traffic and whose plate has not been ceded to a municipality or a government, accessible at all times by emergency vehicles.

MAINTENANCE: Maintaining something in good condition and means to achieve it that may reasonably include snow removal, grading, adding gravel or bitumen to repair certain potholes, irrigation improvements (culvert installation), cutting grass and shrubs roadsides to improve visibility, adding safety equipment (guardrails, signs).

ELIGIBLE WORK: Maintenance work to ensure and maintain private roads in good and safe condition as detailed in 'Maintenance'.

INELIGIBLE WORK: The construction of a brand-new road.

ACCOUNT RENEWAL: A statement of account detailing all expenses incurred applicable to the request of the association, as a result of the work, with all documents (invoices or contracts) attached showing payment by the Association.

COMMITTEE: A group of owners with experience in the management of private roads (asphalt or non-asphalted) appointed by the Council. The Committee shall present the applications for grants from the Associations and their opinions associated with the work and their opinion that the application is in conformity with the spirit of the regulation, either admissible or inadmissible, which shall, following their evaluations, submitted and reviewed by the Council. The Commission reserves the right to make decisions on the application. Any committee member who may have had interest in a grant application from their own association will not dispute their opinion, abstaining from participation in the application.

#### **ARTICLE 3 – PURPOSE OF THE REGULATION**

The purpose of the regulation is to establish a policy governing the granting of financial assistance to private road associations (s) that manage the maintenance of some or all private roads under their responsibilities.

#### **ARTICLE 4 – APPLICATION PROCEDURE FOR FINANCIAL ASSISTANCE:**

Associations wishing to avail themselves of financial assistance must send the Municipality an application including:

1. An explanatory letter detailing the eligible work and the basis for the financial assistance application. The letter must include:
  - (a) Details demonstrating improved safety on the road;
  - (b) The expected start and end dates;
  - (c) Contact information for the contractor responsible for the work with their valid business number (NEQ) and/or sales tax number (QST and GST);
  - (d) The name of all roads and the number of kilometres per road under the responsibility of the Association.
  - (e) The names and addresses in Harrington of all owners located on the private road(s) belonging to the Association.
2. Proof of Association Registration with the Quebec Business Register
3. A resolution of the board of directors of the Association appointing the person responsible for the application and authorizing him to take action and speak on behalf of the Association.
4. If available, recent photos demonstrating the issue, or current state of the path.
5. A summary of the work steps and anticipated costs.

An Association may file several projects within the same year up to the maximum amount specified in section 6, which applies to all projects filed.

An application for financial assistance for a project of an urgent nature or a project already completed before the filing of the application and which was made during the current year, is eligible for tabling and analysis by the committee. Nevertheless, the Committee or the Council may refuse the application if it considers it necessary. Having already completed the work is not a guarantee that the Council will accept the project.

The municipality provides associations with a resource to answer questions regarding the filing of a project. This resource can clarify the requirements for submitting a project, but cannot rule on the validity of a grant application or on the eligibility of a project.

Applications will be evaluated by the Committee appointed for the maintenance of roads under the responsibility of associations, by exchange of e-mails or during virtual meetings.

The Committee may require the Association to provide any clarifications and additional documents to the Committee during the analysis of the application.

The Committee or Council may, at its discretion, visit the site or project(s) are planned.

Successful applications will be recommended to Harrington Township Municipal Council for approval.

The Board has the discretion to accept or reject any request whether or not it has been recommended by the Committee.

Applications approved by City Council will be accounted for with all invoices (or contracts) attached prior to disbursement of the grant.

#### **ARTICLE 5 – APPLICATION DEADLINE**

All funding applications must be submitted by the 3rd Friday in November of the current year.

Incomplete applications will not be assessed by the Committee.

Eligible applications for review by the Committee include eligible work completed between the 3rd Friday of November of the previous year and the 3rd Friday of November of the current year.

All work done between November 20 and December 31 will be chargeable and payable from the following year's budget.

#### **ARTICLE 6 – CONDITIONS FOR OBTAINING FINANCIAL ASSISTANCE**

To be eligible for reimbursement, a grant application must be completed and signed by the Association.

The reimbursement of the grant will take place strictly as a result of the work and on presentation of the report with invoices (or contracts) attached.

Work must be completed between January 1 and January 3

Friday of November of the current year.

The final amount of the financial assistance will be determined following receipt of the report which must be submitted by the 3rd Friday of November.

Only work performed and invoiced by a contractor registered in the Business Register with a business number (NEQ) or with a valid GST and QST number will be considered.

The Association must ensure that the invoices submitted indicate the GST and QST numbers corresponding to the business, if applicable, and that the tax amounts charged for the work are presented separately from the total amount (breakdown of taxes);

The maximum amount of assistance for the maintenance of private roads, including grading is \$1,000 per kilometre of road maintained by the Association, up to a maximum of \$10,000 annually per association. If the value of the application exceeds the maximum, it cannot be applied to the snow removal subsidy.

The maximum amount of assistance for snow removal on private roads is \$500 per kilometre of road maintained by the Association, to a maximum of \$5,000 annually per association. If the value of the application exceeds the maximum, it may not be applicable to the maintenance subsidy.

It is possible to commit to the same maintenance project, the amounts of \$ 1,000 per kilometer, up to a maximum of \$ 10,000 annually, for a period of up to three (3) years for maintenance. The amount of \$500 per

kilometre, up to a maximum of \$5,000 annually, may be committed in a single application for snow removal for a period of up to three (3) years.

When the amount of assistance is increased through a new regulation or amendment, active applications for the same year will automatically be increased.

No financial assistance shall be paid before the start of the work and receipt of the report.

#### **SECTION 7 – ELIGIBLE COSTS**

Eligible costs for maintenance and snow removal of private roads:

\*Cost of labour and materials

\*Professional fees:

\* Road Network Audit Evaluation; Current State of Private Road Network Report

\*Preparation of an action plan for the maintenance of a quality and safe road network.

\*Preparation of an action plan to improve road safety.

\*Preparation of construction plans and specifications.

\*Professional expenses related to the performance of eligible work.

#### **ARTICLE 8 – INELIGIBLE COSTS:**

Labour and material costs associated with the construction of a new private road will be borne by the developer.

#### **ARTICLE 9 NON-COMPLIANCE AND AMENDMENTS TO THE GRANT APPLICATION:**

In the event of non-compliance with the work description noted in the initial grant application, the council's resolution will be null and void. Any amendment to the initial grant application must take place BEFORE the commencement of said work, to the Council, by a written request to the General Management of the Municipality.

The Council of the Municipality reserves the right to request additional evidence or documents before giving its approval to the continuation of the work.

#### **ARTICLE 10 FINAL PROVISIONS**

Any assistance granted by the Municipality under this by-law cannot be interpreted as acceptance of the property rights of a road opening for dedication, the Municipality expressly refusing any such dedication.

#### **ARTICLE 11 REPEAL OF REGULATION NUMBER 268-1-2021**

By-law 268-1-2021 and all related amendments, establishing an annual financial assistance policy to improve the safety and security of private roads for the safe passage of municipal equipment and emergency vehicles within the Municipality of the Township of Harrington are repealed.

#### **Article 12 ENTRY INTO FORCE**

These Regulations will come into force in accordance with the Act.

---

Gabrielle Parr  
Mayor

---

Steve Deschênes  
Director General and  
Clerk-treasurer

Notice of Motion: January 15, 2024  
Proposed Regulations Tabled: January 15, 2024  
Regulation adopted: 12 February 2024  
Public Notice of Enactment: April 16, 2024