

**The Corporation of the Municipality of Grey Highlands
By-Law Number 2017-16**

A By-Law to adopt Policy A09-F-06 Private Road Grant Policy

Whereas Section 8 of the *Municipal Act 2001, R.S.O. 2001*, as amended provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, S.O. 2001, c. M. 25, as amended, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and, b) enhance the ability to respond to municipal issues; and

Whereas Section 11 of the Municipal Act, S.O. 2001, c. M. 25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein; and

Whereas it is deemed necessary and desirable that the Council of The Corporation of the Municipality of Grey Highlands enact a by-law adopting Policy A09-F-06 Private Road Grant Policy;

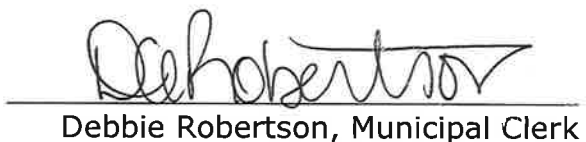
Now Therefore the Council of the Corporation of the Municipality of Grey Highlands hereby enacts as follows:

1. That Policy A09-F-06 Private Road Grant Policy as attached hereto as Schedule 'A' is enacted and forms part of this by-law;
2. That the Policy come into full force and effect on the date of passing of the by-law.

Enacted and passed this 8th day of March, 2017

The Corporation of the
Municipality of Grey Highlands


Paul McQueen, Mayor


Debbie Robertson, Municipal Clerk

Municipality of Grey Highlands Policy

Policy Name: Private Road Grant Policy

Policy Number: A09-F-06

Department: Finance

Authority: Council

Effective Date: 2017-03-08

Supersedes: N/A

Last Modified: 2017-02-17

1 Purpose

This Policy describes the Municipality of Grey Highlands Private Road Grant criteria and procedures for applying for and receiving a Private Road Grant ("Grant").

2 Scope

This Policy applies to all private roads located within the Municipality of Grey Highlands except such private roads which comprise the common elements in any plan of condominium.

3 Policy

Grant applications are subject to the following provisions.

3.1 General Provisions

- 3.1.1 The private road must be maintained by an Association. Such Association shall comprise the owners of property that benefit from a registered right of way over the lands occupied by the private road. The membership of such Association shall represent at least two-thirds (2/3) of the property owners who benefit from such right of way.
- 3.1.2 Applications for a Private Road Grant must be submitted and signed by the authorized representative of the Association.
- 3.1.3 The Grant shall be an annual grant for the past year's eligible cost which "past year" is the period from October 1st, the year prior to the current year through to September 30th of the (current) year in which the application is submitted.

Grant applications must be received by September 30th. Grants will be available to reimburse the Association to assist with the eligible costs of road maintenance and will be paid in one lump sum.

- 3.1.4 Eligible costs for road maintenance may include snow plowing, road grading, tree removal and trimming, noxious weed control, gravel, dust control, roadside grass cutting, road drainage including ditches and catch basins, road reconstruction and road surfacing.
- 3.1.5 If a private road is being maintained by the Municipality through agreement or under authority of a municipal by-law, or if a private road is assumed by the Municipality by by-law, costs incurred by an Association following the date of passage of the by-law are not eligible for reimbursement.
- 3.1.6 The Association will be solely responsible to oversee the administration and supervision of annual work programs and related budget. The Municipality will have no responsibility, obligation or exercise any degree of operational control with respect to maintenance of the affected roads.
- 3.1.7 Grants will be calculated on a per-linear metre basis (one-way) and the amount of any grant (if any) shall be at the discretion of the Municipality.
- 3.1.8 Grants are not guaranteed and may be modified or eliminated at any time by resolution of Council.
- 3.1.9 Council may, from time to time, establish further conditions on the approval of Grants and such conditions may be general or specific to an application for or award of a Grant.

3.2 Submission Requirements

- 3.2.1 All applications shall be submitted to the Municipal Treasurer who shall have the responsibility of determining grant eligibility. No Grant shall be awarded unless the following criteria have been satisfied:
 - a. A complete Application for Grant has been received by the required date (September 30th each calendar year);
 - b. A complete request form to terminate existing private road maintenance agreement, if applicable, has been received;
 - c. The Association provides documentation satisfactory to the Municipality confirming compliance with section 3.1.1 of this policy;

- d. Documentation satisfactory to the Municipality which confirms the payment of eligible costs which may include copies of invoices and/or proof of payment.

3.3 Processing Procedure

- 3.3.1 Applications must be received by the required date (September 30th each calendar year).
- 3.3.2. Late submissions will not be considered. In the case of a first application, Municipal staff will confirm the length of the road eligible for cost reimbursement through the use of GIS (geographic information system). The Municipal determination of the length shall be final.
- 3.3.3 Each Association's annual eligible allocation will be recorded. The eligible costs incurred by the Association shall not exceed the eligible allocation in each year. Unused funds shall not be carried forward and will not be reserved for future use.
- 3.3.4 Changes to the application form may occur from time to time.

3.4 Grandparenting Existing Agreements

- 3.4.1 Any existing private road maintenance agreement that was approved by by-law remains in full force and effect.
- 3.4.2 If a party to such existing private road maintenance agreement wishes to terminate that agreement to be eligible to apply for the Grant, they must submit a request form to Council. Upon the termination of such agreement, the party shall be required to execute such documentation as required by the Municipality to give effect to such termination.

4 Definitions

Association: A formal group, the membership of which is limited to owners of property who benefit from a right of way over the land upon which the private road is located.

Council: The Council for the Corporation of the Municipality of Grey Highlands.

Director of Transportation and Environmental Services: The Director of Transportation and Environmental Services Department of the Corporation of the Municipality of Grey Highlands or any successor to that position and in that person's absence includes the acting Director of Transportation and Environmental Services.

Municipality: The Corporation of the Municipality of Grey Highlands.

Owners: With respect to a property, the person appearing to be its owner by the last returned assessment roll as most recently revised in the absence of evidence to the contrary.

Private Road: Any road that is not a public highway as defined in the *Municipal Act, 2001*, and which private road exists by virtue of the existence of a right of way benefiting more than one legally conveyable parcel of land.

Private Road Grant or Grant: Shall mean a grant of financial assistance by the Municipality pursuant to section 107 of the *Municipal Act, 2001* as amended, for the purpose of assisting the owners of land, which land is only accessible by private roads, with the cost of maintaining such private road.

Staff: Any employee of the Municipality of Grey Highlands.

Treasurer: The Treasurer of the Corporation of the Municipality of Grey Highlands or any successor to that position and in that person's absence includes the acting or Deputy Treasurer.

References and Related Documents

Application for Private Road Grant - Attached as Schedule 'A'

Private Road Maintenance Agreement Termination Request Form – Attached as Schedule 'B'

Schedule 'A'
Application for Private Road Grant

Part 1 – Private Road Information	
Road Name(s)	
Association Name	
# of Members in Association	
President’s Name	
Secretary’s Name	
Treasurer’s Name	
Mailing Address of Association	
Part 2 – Applicant Information	
Applicant Name	
Applicant Email	
Applicant Phone	
Part 3 – Checklist	
☐ A complete request form to terminate existing private road maintenance agreement, if applicable ☐ Documentation of two-thirds (2/3) of property owner membership in Association ☐ Copies of invoices for road maintenance expenditure within the eligibility period <i>(October 1st of the previous year and September 30th of the current year)</i> ☐ Proof of paid invoices <i>(i.e. copy of bank account statement with payment identified)</i>	

Part 4 – Authorization

I certify that the information provided in this application is true, correct and complete to the best of my knowledge and that the Municipality may verify any and all information pertaining to this application.

I certify that I have read the private road grant policy and that the road association meets the conditions for eligibility.

I agree to notify the Municipality of Grey Highlands of any changes that may affect eligibility for the Private Road Grant.

I acknowledge that the application for the Private Road Grant Program must be made on an annual basis.

Signature of Applicant _____

Date of Application _____

Part 5 – Office Use Only

Received By: _____

Received Date: _____

Road Name(s): _____

Length of Road (m): _____

Eligible Grant Amount: _____

Amount Submitted for Reimbursement: _____

Eligible Amount Approved for Payment: _____

Date Payment Processed: _____

Schedule 'B'
Private Road Maintenance Agreement Termination Request Form

To be filled out by Owner of property (please print)

Owner / Association Name: _____

Address: _____

Postal Code: _____ Phone: _____

Email Address: _____

Application is hereby made to terminate the private road maintenance agreement between the Corporation of the Municipality of Grey Highlands and _____
authorized under By-law number _____

By signing below, I understand that my request to terminate the agreement must be approved by Council and supported through by-law. I acknowledge that termination of the private road maintenance agreement will cease all maintenance activities by the Municipality of Grey Highlands on the private lands as outlined in the agreement.

Owner Signature

Date