



CANADA
PROVINCE OF QUEBEC
COUNTY OF ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF GORE

BY-LAW NUMBER 239

**BY-LAW CONCERNING A FINANCIAL AID
PROGRAMME TO HELP RESIDENT
ASSOCIATIONS WITH SNOW REMOVAL**

WHEREAS many private streets exist within the territory of the municipality;

WHEREAS there are resident Associations whose purpose is to co-ordinate the snow removal, maintenance and repair of certain private streets;

WHEREAS article 70 of the Municipal Powers Act (L.R.Q., c C-47.1) allows local municipalities the discretionary power to maintain a private road open to the public by tolerance of the owner or occupier and upon request from the majority of the adjacent owners or occupants;

WHEREAS under article 90 of the Municipal Powers Act (L.R.Q., c C-47.1), the Municipality may grant any assistance it deems appropriate;

WHEREAS a notice of motion and the presentation of the present by-law were given by Councillor Anselmo Marandola at the regular meeting of July 6, 2020;

WHEREAS a copy of the by-law was given to the members of Council 72 hours prior to the meeting where this by-law is presented for adoption;

WHEREAS copies of the By-law were made available to the public before the present meeting;

WHEREAS the Mayor presented the By-law to the members of council and the staff in attendance.

CONSEQUENTLY,

IT IS MOVED BY: Councillor Donald Manconi

SECONDED BY: Councillor Shirley Roy

AND RESOLVED unanimously by Councillors (6):

THAT the present by-law be adopted.



ARTICLE 1 – PREAMBLE

The preamble forms an integral part of this by-law.

ARTICLE 2 – DEFINITIONS

ASSOCIATION: A non-profit corporation consisting of a minimum of four (4) members who own residences contiguous to the private street and which has been formed to achieve a common goal other than the realization of pecuniary benefits to be shared among its members.

PRIVATE STREET: A private street consists of a traffic lane whose base has not been transferred to a municipality.

AGREEMENT: Written and signed agreement between two parties including the terms to be respected, the limits of the agreement and the guarantees to be provided.

SNOW REMOVAL: Snow removal involves the clearing of the private road of snow and does not include the removal snow on a private driveway entrance or access road to properties or parking areas.

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 resident associations that manage snow removal contracts on private streets.

ARTICLE 4 - APPLICATION PROCEDURE FOR FINANCIAL ASSISTANCE

Associations wishing to receive financial assistance must send an application to the Municipality that includes:

- a. In the case where the street owner usually does the snow removal, a letter indicating that the owner of the private street is in agreement with the association's request;
- b. The names of all the streets involved in the application for financial assistance and the total number of kilometers concerned;
- c. A petition gathering 50% + 1 of the owners on the street(s) concerned;
- d. A copy of the snow removal contract in the name of the association on which is clearly indicated the contractor's name, address, contract price, terms and conditions;
- e. A copy of the sanding contract if not clearly indicated and included with the snow removal contract. The contract must be made in the name of the association and the contractor's name, address, price and contract specifications must be clearly identified.



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An association can only present one request per year. A second request received within the same year will be returned without consideration. Incomplete applications will not be evaluated by the committee established by the municipality.

ARTICLE 5 - MUNICIPAL RESOURCES

- 1- Contact person for associations: The municipality provides associations with a municipal resource to answer questions regarding the application for financial assistance. This resource can clarify the requirements needed for tabling a request but cannot decide on the validity of an application or decide on the eligibility of it.
- 2- Application Evaluation Committee: Applications will be evaluated by a committee. The Committee may require the Association to provide additional details and documents for analytical purposes.

The Committee will make a recommendation to the municipal council for eligible applications which will then be presented to council for decision by resolution. The municipal council has the discretion to accept or refuse any request, whether or not it has been recommended by the Committee.

- 3- Municipal budget for financial assistance to associations: The municipality allocates an annual budget for all applications for financial assistance and will allocate funds depending on the financial resources available and the validity of the applications submitted.

ARTICLE 6 –PAYMENT OF FINANCIAL ASSISTANCE

Once the request for financial assistance is approved by the municipal council, the association concerned and the municipality will sign an agreement which will establish the obligations of each party.

Payment for financial assistance is made at the frequency determined in the snow removal contract. A check for the amount of aid granted for each payment specified in the contract is sent to the association and is addressed to both the contractor responsible for the snow removal and the association or its representative duly appointed by resolution of its board.

ARTICLE 7 - DEADLINES FOR SUBMITTING AN APPLICATION

Requests for financial assistance must be submitted before the October council meeting of the current year in order for the requests to be processed before the start of snow removal contracts.



ARTICLE 8 - CONDITIONS TO BE FULFILLED FOR FINANCIAL ASSISTANCE

In order to be eligible for financial aid, an agreement must be signed between the Municipality and the Association making the request. The Association must guarantee that the work will be carried as per described in their request.

Only well maintained private streets that are in good condition are eligible for financial aid under this by-law. The municipality reserves the right to inspect any road subject to a request for financial assistance in order to ensure that it is in good condition and can be ploughed in a safe manner.

A street that is considered dangerous or that places a snow removal contractor at a higher risk than usual or is more likely to damage snow removal equipment is not eligible for financial assistance under this by-law.

In order to be eligible for financial assistance again, associations will have to file a complete application each year.

ARTICLE 9 - ADMISSIBLE COSTS

Eligible costs include:

- Snow removal
- Sanding
- Applicable taxes

ARTICLE 10 - NON-COMPLIANCE AND AMENDMENTS

In the event that the terms of the agreement signed between the Municipality and the Association are not respected, the agreement will be null and void and the financial assistance will not be paid.

In cases where the Association wishes to make changes to the signed agreement, the modifications must be submitted in writing to the municipal council.

The municipal council or management reserves the right to request additional justification or documents before approving any amendment to the agreement.

ARTICLE 11 - FINAL PROVISIONS

Any assistance granted by the Municipality under this by-law may not be interpreted as the acceptance of any property rights whatsoever of a street giving access to dedication or acquired rights. The Municipality expressly refuses any such dedication or acquired rights.



ARTICLE 11 – COMING INTO EFFECT

This by-law repeals and replaces by-law 211 and comes into effect in accordance with the Law.

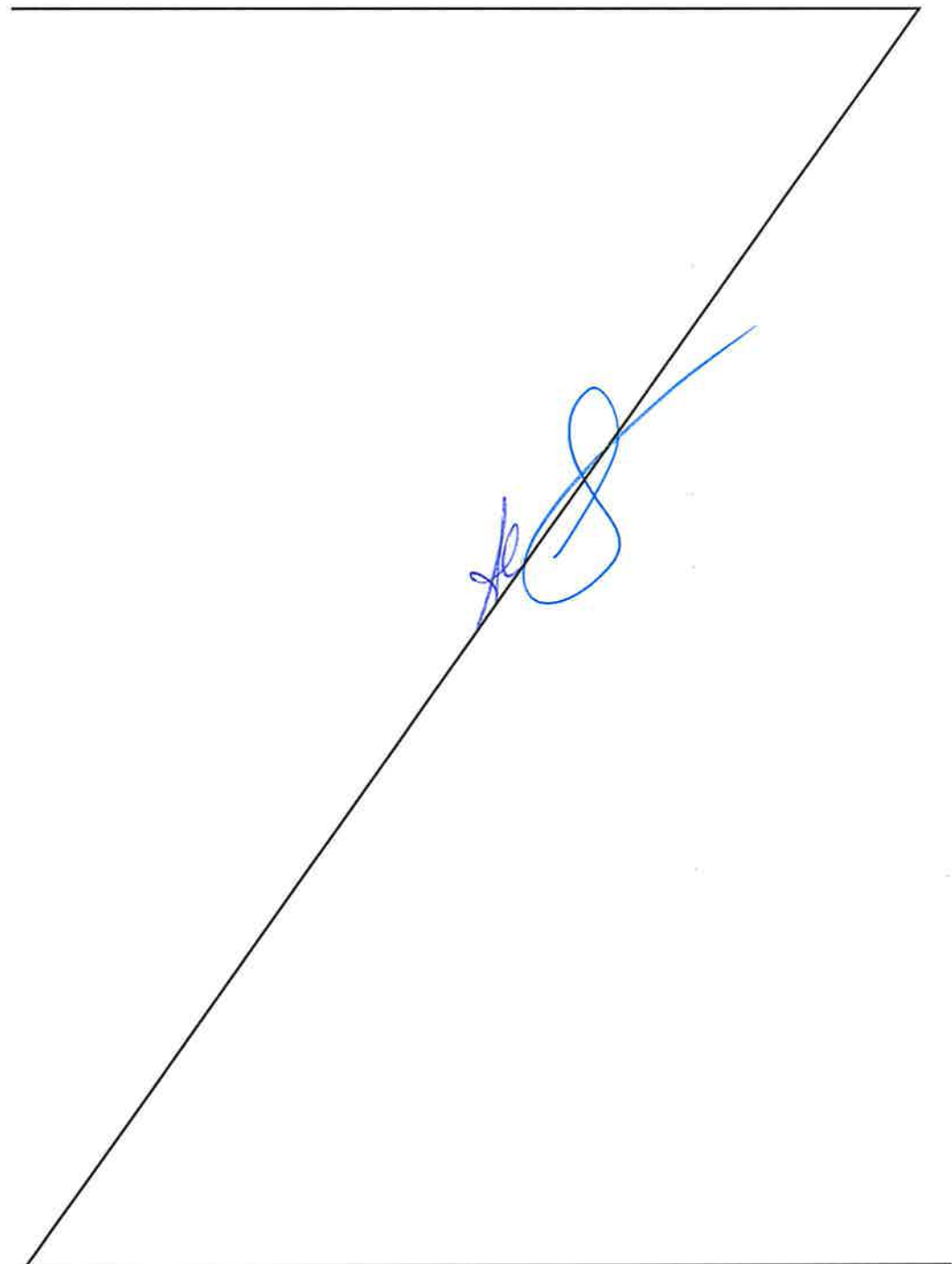


Scott Pearce,
Mayor



Sarah Channell,
Secretary-treasurer

NOTICE OF MOTION:	2020-07-06
PRESENTATION OF DRAFT BY-LAW	2020-07-06
ADOPTION OF BY-LAW:	2020-08-03
PUBLICATION NOTICE:	2020-08-04
EFFECTIVE DATE:	2020-08-04





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