

PROVINCE OF QUÉBEC
MRC D'ARGENTEUIL
MUNICIPALITY OF GRENVILLE-SUR-LA-ROUGE

**DRAFT OF BY-LAW RA-2024-601
CONCERNING THE MAINTENANCE OF PRIVATE ROADS**

WHEREAS the Municipality of Grenville-sur-la-Rouge has numerous private roads within its territory;

WHEREAS under the *Municipal Powers Act*, a local municipality may provide maintenance of a private road open to the public by sufferance of the owner or occupant, at the request of a majority of bordering lot owners or occupants.

WHEREAS the Municipality wishes to offer owners of properties serviced by a private road the possibility of having the maintenance of said road carried out by an independent contractor, at the request of these owners;

WHEREAS the Municipality wishes to define the conditions applicable to the maintenance of such private roads;

WHEREAS a notice of motion of this by-law was given by _____ at the regular council meeting held on _____ and the draft by-law was submitted at the same meeting;

WHEREAS a copy of this by-law has been provided to the members of the Municipal Council in accordance with the Quebec Municipal Code (RLRQ, c. C-27.1);

WHEREAS a copy of the by-law is available to the public for consultation at the opening of the meeting;

WHEREAS the members of the council declare having read said by-law and waive its reading;

IT IS THEREFORE proposed by _____ and voted to adopt this by-law and enact the following:

ARTICLE 1 - PREAMBLE

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

ARTICLE 2 – BY-LAW AIM

2.1 The aim of the by-law is to determine the terms and conditions applicable to the maintenance of private roads carried out by an independent contractor. It also aims to determine the payment terms for these services to be made by the owners and occupants in question.

ARTICLE 3 – DECLARATION OF MAINTENANCE OF A PRIVATE ROAD FILING PROCEDURE

3.1 Any individual who wishes to have a private road maintained, in whole or in part, by an independent contractor of their choice, must file a declaration of maintenance with the Municipality. This declaration must be signed by more than 50% of the lot owners serviced by the private road or section of the private road in question and must be submitted to the Municipality no later than 90 days prior to the work or the start of the year when the winter maintenance contract is renewed. For calculation purposes, each lot entitles its owner to one vote on the declaration of maintenance, which implies that a multi-lot owner would be entitled to more than one vote.

In the case of multiple co-owners for a single lot, the signature of only one co-owner is permitted on Appendix A.

It is mandatory to file the private road maintenance declaration using the form provided by the Municipality. The DECLARATION OF MAINTENANCE OF A PRIVATE ROAD is annexed as APPENDIX A to form an integral part of this by-law numbered RA-2024-601.

3.2 The declaration must state the name of the road in question, the total number of bordering owners and occupants, specify the name of the person the group has appointed to act on its behalf as their representative, the type of maintenance required, the period for which it is requested, not exceeding 5 years, and the desired division of costs, to ensure that those costs are fully paid for by those concerned.

3.3 The following means of division will be considered to ensure that all costs related to the type of maintenance required are assumed by those concerned:

- An equal split between all owners and occupants of bordering lots;
- A split based on the frontage of each property;
- A split based on the distance between a municipal road and the property entrance.

3.4 All communications with the Municipality are made through the representative appointed by the group. Any communication from the Municipality is sent to this person, who is then responsible for informing the members of the group.

ARTICLE 4 – MUNICIPALITY DECISION

4.1 Upon receipt of the DECLARATION OF MAINTENANCE OF A PRIVATE ROAD, the council accepts, with or without conditions, or rejects by resolution to proceed with the DECLARATION OF MAINTENANCE OF A PRIVATE ROAD. It is at the sole discretion of the Municipality to approve or reject the maintenance of a private road.

4.2 To put an end to the maintenance of a private road, the procedure is identical to the PRIVATE ROAD MAINTENANCE DECLARATION procedure and must be filed with the Municipality at least six (6) months prior to the discontinuance of the maintenance service.

ARTICLE 5 – MAINTENANCE SERVICE FEES

5.1 An annual fee will be applied at the same time as the property tax for each taxable assessment unit bordering the road, in accordance with the split method submitted in the declaration of maintenance, or any other split method determined by the council.

5.2 For the purpose of applying these fees, bordering lots refer to each bordering lot shown on the subdivision plan on file. For example, an owner or occupant of two (2) lots on the subdivision plan, for a single residence, contributes two (2) lots.

5.3 In addition to the contractor's fees, a 15% administrative and management fee will be charged.

ARTICLE 6 – RESPONSIBILITY

6.1 The group of residents is the customer. It is responsible for defining needs, determining maintenance work, obtaining quotes, selecting the contractor and monitoring the work.

6.2 The group of residents releases the Municipality from any claims, demands, complaints, actions and recourses, including, without limiting the generality of the aforementioned, all prejudices, costs, damages, troubles, nuisances and inconveniences caused by the contractor.

ARTICLE 7 – EXISTING AGREEMENTS

7.1 Notwithstanding Article 8, all agreements currently in effect remain valid and effective until they expire. Any renewals will be made in accordance with the provisions of the present by-law.

ARTICLE 8 – REPEAL AND COME INTO FORCE

8.1 The present by-law repeals and replaces by-law RA-2024-25 and its amendments.

8.2 The present by-law will come into force upon completion of the formalities required by law.

Tom Arnold
Mayor

François Rioux
Director General and Clerk-Treasurer

Notice of motion and filing:

Date of adoption:

Effective date:

APPENDIX A – DECLARATION OF MAINTENANCE OF A PRIVATE ROAD FORM

DECLARATION OF MAINTENANCE OF A PRIVATE ROAD

This form is intended to be used for the declaration of maintenance of a private road
by an independent contractor, in accordance with
By-law RA-2024-601 concerning the maintenance of private roads.

Identification of private road(s):

TOTAL NUMBER OF LOTS AFFECTED BY THE DECLARATION

Petitioners' representative:

Name: _____

Address: _____

Telephone: _____

Email: _____

Signature: _____

Petitioners' substitute representative:

Name: _____

Address: _____

Telephone: _____

Email: _____

Signature: _____

Type of maintenance required:

Winter maintenance The quoted amount is _____

Summer maintenance The quoted amount is _____

or

Unlimited

Intended duration

Annual

Number of years (maximum 5 years)

Until _____

Cost breakdown method

- Based on the number of bordering lots
- Based on the frontage of each property
- Based on the distance between a municipal road and the property entrance

We, the owners of properties bordering the road indicated on this form, located on the Municipality of Grenville-sur-la-Rouge's territory, request that the Municipality assume payment for the maintenance of this road in accordance with the conditions set out in by-law RA-2024-601 concerning the maintenance of private roads.

We hereby authorize _____ and substitute _____ to act as our representatives in dealings with the Municipality for the term indicated on this form.

We acknowledge that the Municipality may, at its discretion, impose a fee at any time during or at the end of the year, to cover all or part of the cost of the maintenance work carried out, in addition to a 15% administration fee.

We also acknowledge that the Municipality is under no obligation to accept, unconditionally or otherwise, this Declaration of Maintenance. Furthermore, the Municipality will be exempt from any complaint, claim, demand, action or recourse resulting from the work of the contractor.

The following documents must be submitted along with the declaration, **no less than 90 days before work begins,**

- A plan of the road(s) outlining the portion to be maintained
- Names, addresses and signatures of at least 50% plus one of the owners of bordering property

Remarks regarding the specific type of maintenance requested from the external contractor :
