

The Corporation of the Township of Killaloe, Hagarty and Richards

By-Law #43-2017

Being a By-Law to provide for assistance with regard to private roads in the event of a local declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program.

WHEREAS Section 5(3) of the Municipal Act, 2001, Chapter 25 provides that, except where otherwise provided, the powers of the Council shall be exercised by by-law;

AND WHEREAS it is deemed expedient and desirable that the municipality provide for assistance with regard to private roads in the event of a declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program., whether declared by the municipality or by the Province of Ontario;

THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of the Corporation of the Township of Killaloe, Hagarty and Richards thereof as follows:

1. That the municipality may provide assistance with regard to private roads in the event of a declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program, pursuant to the provisions of the policy attached hereto and forming part of this by-law.

Read a first and second time this 22nd day August, 2017.

Read a third time and finally passed this 22nd day of August, 2017.

Mayor

Clerk-Treasurer

POLICY TO PROVIDE ASSISTANCE TO PRIVATE ROADS

Purpose:

The purpose of this policy is to provide assistance for property owners whose primary access to their property is by way of a private road, in the case of a declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program. This policy applies only in the event of a declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program, and only to the extent that Council determines that assistance is required.

This policy is not intended to take the place of any regular maintenance or repairs that are normally carried out on the private road by private property owners, the Private Road Maintenance Committee, or their agents or contractors. This policy will only apply to substantial damage to private roads that results from a sudden and unforeseen event which occurs during the course of a declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program. It is the responsibility of the Private Road Maintenance Committee to provide proof that the damage to the private road occurred during the declared emergency by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program, and was the result of an unforeseen and/or unavoidable occurrence, e.g. flood. The intent of this policy is to bring the private road back to the condition that it was in prior to the damage caused during the declared state of emergency.

This policy does not apply to private roads to campgrounds or trailer parks, hunt camps or to laneways leading to individual private residences.

Definitions:

For the purposes of this policy, the following definitions apply:

"Council" shall mean the elected Council for the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

"Declared emergency" shall mean an emergency that is officially declared by the municipality or the activation by the Province of Ontario of a Disaster Recovery Program. In the case of the municipality, the declaration will be made in accordance with the definition and criteria for calling of an emergency in the municipality's Emergency Preparedness Plan.

"Private Road" shall mean a road that is not owned nor maintained by the township, and has been established by property owners and is used as the primary access to their property.

"Property Owner" shall mean the assessed owner(s) of the property fronting on and adjacent to the private road.

"Private Road Maintenance Committee" shall mean a committee that has been established by the property owners who rely on the private road for access to their properties, and shall consist of at least two-thirds (2/3) of the property owners on the private road. Documentation of participation by two-thirds (2/3) of the property owners must be provided to the township with an application for assistance under this policy.

"Municipality" shall mean the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

Application Process:

1. The application for assistance for a private road shall be submitted on behalf of the Private Road Maintenance Committee by a representative of the committee who has signing authority on behalf of that committee. The applications shall be on the form attached to this policy.
2. The application shall be submitted to the township's Works Superintendent, who will review that application and attend a site visit to the private road, with a representative of the Private Road Maintenance Committee who has been authorized by the committee to attend.
3. The Works Superintendent will prepare a report for council, outlining the damage to the private road, and providing information on the extent that the damage was caused by an event during the declared emergency.
4. Council shall review that application and the report, and will make a decision on whether or not to approve the application, on a case by case basis.
5. If assistance is approved by Council, payment will be made to the Private Road Maintenance Committee in the amount of \$50 per property owner. The Private Road Maintenance Committee is responsible for providing a list of the property owner(s) names and locations of the properties on the private road. The list will be verified by municipal staff prior to issuing payment.



TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS
APPLICATION FOR EMERGENCY FUNDING FOR PRIVATE ROAD DAMAGE

Road Maintenance Group Name: _____

Number of Property Owners: _____

(Attach list of property owners and their civic address)

Number of Participating Property Owners: _____

Description of damage to private road: _____

Provide detailed description of the condition of the road prior to the damage, (with photos where possible), and a detailed description, including photos, of the road after the damage occurred.

Group Representative(s):

Name(s): _____

Civic Address: _____

Mailing Address (if different): _____

Telephone: _____

E-Mail: _____

I/We certify that to the best of my/our knowledge, the information provided herein is true, accurate and complete, and is endorsed by the Road Maintenance Group, which I/we have authority to represent.

Name of Group Representative (Please Print)

Signature or Group Representative

Name of Group Representative (Please Print)

Signature of Group Representative

For Municipal Use:

Date Application Received: _____

Signature of Municipal Employee: _____