

CANADA
PROVINCE OF QUEBEC
HULL DISTRICT

MUNICIPALITY OF PONTIAC

R.C.M. OF THE COLLINES-DE-L'OUTAOUAIS

BY-LAW 03-10 ABROGATING BY-LAW 16-08 - TOLERANCE ROADS

WHEREAS on the Municipality of Pontiac' territory, certain lots or rights of way occupied as roads, are such, simply by tolerance of the owner or the occupant;

WHEREAS the majority of ratepayers on certain roads who are interested, have submitted a request that the municipality take charge of the maintenance of said road as per article 70 of "Act on municipal competences";

WHEREAS this Council deems it appropriate to follow up on the ratepayers' request;

WHEREAS a motion of the present by-law was given at a previous council meeting held on March 9, 2010;

WHEREAS article 6, paragraph 4 of the Municipal Code allows a municipality to contract out, within its' field of competence;

It is

Moved by Inès Pontiroli
Seconded by Jim Coyle

AND RESOLVED that this Council adopt the present by-law which orders and decrees the following:

ARTICLE 1

Definition:

Residents:

Any person who has the right to be registered on the permanent electoral roll as a resident of the road that is the object of the request.

ARTICLE 2

The preamble and appendix « A » (name of associations and plans revised in 2008) are an integral part of the present by-law.

ARTICLE 3

The council orders, according to article 70 of the "Act on municipal competences" that, upon request from the majority of the ratepayers interested, the maintenance of the roads, named tolerance roads by sector, in Appendix « A », attached and being an integral part of the present by-law.

ARTICLE 4

The length of the said roads will be established in accordance to the official "cadastre plan" if existing, or as per the municipal "graphic register" if the cadastre does not exist.

ARTICLE 5

The F.R.A.P.P. « Fédération représentant les associations des propriétaires de Pontiac » « *Federation Representing the Pontiac Owners Association* » will be the only

organization representing the associations with the Municipality, as listed in appendix A. These associations must be registered as active members within the F.R.A.P.P.

ARTICLE 6

According to article 6, paragraph 4 of the Municipal Code, the municipality awards the winter and summer maintenance of the said roads to the various associations of the sectors concerned which consists of snow removal and sanding roads in winter, and in the summer, consists of laying gravel, levelling, spreading calcium, brush cutting and cleaning ditches, if needed, and to keep the said roads in a satisfactory condition so as to allow free circulation to emergency vehicles, snow ploughs, municipal service vehicles, among others.

ARTICLE 7

New associations

Once all of the required documents have been submitted, the new associations may ask to be recognized by Council as such at any time during the course of the year.

Council may recognize a new association at any given time during the course of the year.

A request for financial assistance for the current year may be granted whether funds required were included in the current budget or not.

A request for financial assistance may be allocated in a pro-rated fashion, as of the date the association was officially recognized by Council, if the required funds were included in the current budget or not.

A new association must be a member of the F.R.A.P.P. before any monies are given.

A new association will be immediately eligible to request special project funding.

Existing associations:

Requests for financial assistance must be filled out and submitted to the municipal office by October 31st of each year.

ARTICLE 8

Each association will be eligible for the sums described as per the resolution.

ARTICLE 9

Each sector will receive the sums established in article 5 as follows:

- 1st instalment: 50% payable between January 15th and 30th of the current year, upon submission of supporting documents related to the 2nd instalment of the previous year. Any unused amounts from the previous year will be deducted from the budget of the current year;
- 2nd instalment: 50% payable before December 15th of the current year upon submission of supporting documents related to the 1st instalment, plus or minus 10%.

ARTICLE 10

For the exceptional road maintenance, mentioned in article 3, each sector's association mentioned in article 4 could benefit from additional sums from the special projects budget.

ARTICLE 11

Each project will be submitted to a committee consisting of a minimum of three (3) members from various geographical regions of the municipality, appointed by the

F.R.A.P.P. executive and of a minimum of one (1) municipal councillor. This committee may engage subject matter experts.

The priority of projects will be determined by a committee consisting of a minimum of three (3) members from various geographical regions of the municipality, appointed by the F.R.A.P.P. executive, and of a minimum of three (3) municipal councillors. This committee will exercise the power of recommendation to the municipal council.

ARTICLE 12

Each association will receive the additional sum(s) established in article 8, after having submitted the special project in full. The established sum is at the discretion of the municipality. The project submitted should consist of:

- Project details (problem description, impacts, alternative solutions, preferred option, expert opinion);
- the costs involved;
- the (approximate) date(s) of work execution.

ARTICLE 13

To be eligible to request financial aid, an association must have a Quebec business number and be comprised of at least 5 distinct property owners (having no conjugal bond) of which 2 are residents. The notion of « tolerance road » must be applied word for word. See AMC article 70. Nevertheless, if certain circumstances and a request for recognition could make it advantageous for the municipality, it could then recognize an association even if the standards listed in the present by-law are not met, notably with regard to the number of property owners (ref. art. 3).

ARTICLE 14

All associations recognized as per appendix “A” of this by-law cannot be divided as such to gain additional financial aid from what is already subsidized.

ARTICLE 15

The present by-law comes into effect according to the law.

GIVEN IN PONTIAC (QUEBEC), *this 27th day of April, two thousand and ten.*

Edward J. McCann
Maire

Sylvain Bertrand
Director general