

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2026-016

BEING a by-law to repeal By-law No. 38-1999 and to regulate the installation and usage of Entranceway and to prohibit the obstruction of drains.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 11 authorizes municipalities to pass by-laws respecting highways under their jurisdiction;

AND WHEREAS Council deems it necessary to regulate the construction and maintenance of Entrances onto municipal roads;

AND WHEREAS Council deems it advisable to repeal By-law No. 38-1999 and replace it with an updated and revised By-law to regulate the construction and maintenance of Entrances;

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1.0 DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

- 1.1 "Applicant" means any person, group or corporate body who applies to the Township for permission to construct an Entrance.
- 1.2 "Contractor" means any party hired to perform Entrance related work.
- 1.3 "Director" means the Director of Infrastructure Services or Designate.
- 1.4 "Entrance" means any driveway, laneway, private road, Entrance or other structure or facility constructed or used as a means of access and/or egress to and/or from a Highway under the jurisdiction of the Corporation of the Township of South Stormont, herein defined as a Township Road.
- 1.5 "Township" means the Corporation of the Township of South Stormont.

2.0 CLASSIFICATION OF ENTRANCES

- 2.1 "New Entrance" shall mean any Entrance constructed where one did not exist before, altered in any manner (beyond surface maintenance) or when an Entrance is reclassified or reviewed because of a planning application, development application, or change of property use.
- 2.2 "Public Entrance" means an Entrance opening onto a Township road from a public road, street or highway or other thoroughfare, maintained by a municipality or other authority.
- 2.3 "Residential Entrance" means an Entrance opening onto a Township Road from one or more residential dwelling units where there is no common parking area.
- 2.4 "Commercial Entrance" means an Entrance opening onto a Township Road from a property used for commercial, industrial or institutional use or a combination thereof and includes residential properties such as apartments, townhouse developments and other multiple dwelling unit developments having common parking areas.
- 2.5 "Farm Entrance" means an Entrance opening onto a Township Road from a farm, field, bush, or other agricultural use.
- 2.6 "Temporary Entrance" means an Entrance opening onto a Township Road that will be used for a limited period not to exceed 6 months to permit construction or other short-term access.
- 2.7 When an Entrance is reclassified, the Entrance shall conform with the minimum standards of the newly designated use per Section 8. In instances where the classification is changing from a greater standard to lesser standard, the Director shall have the discretion to determine the necessary improvements required to issue a permit for the reclassification.

3.0 ISSUANCE OF PERMITS

- 3.1 A permit is required for any new Entrance onto Township Road.
- 3.2 The issuance, modification, revision or renewal of a permit shall be subject to the current Fees and Charges By-Law.
- 3.3 No person, group or corporate body shall construct, alter or change an Entrance or the classification (use) of an Entrance, until they have obtained a permit and paid the prescribed fees.
- 3.4 Each application for a permit shall be made on the form provided by the Township.
- 3.5 When requested, the application for a permit shall be accompanied by proof of ownership of the subject property, in a form satisfactory to the Director.
- 3.6 The permit shall be issued on behalf of the Township and subject to the terms and conditions provided herein and shall be valid only upon the completion of the terms and conditions contained therein

- 3.7 The cost of construction or alteration of all Entrances including the construction of catch basins, curbs, gutters, sidewalks, islands, granular, pipes, vegetation or other necessary appurtenances shall be borne entirely by the Applicant
- 3.8 In the event that an Entrance has not been constructed or installed in accordance with the Permit, it shall be removed and repaired by the Applicant upon written direction issued by the Director. Failure to do so will result in the removal by the Township at the expense of the Applicant.
- 3.9 The contractor engaged to perform the work by the owner shall provide a Certificate of Insurance naming the Township of South Stormont as additionally insured and maintain Comprehensive/Commercial General Liability insurance acceptable to the Director prior to and during the installation of the works.
- 3.10 Where the Applicant wishes to construct an Entrance, the Director shall determine the size, location and mode of construction of the culvert, bridge, pipe or other structure to be used in the construction of the works. The permit will state these requirements and any other special provisions deemed necessary on the permit issued to the Applicant.
- 3.11 The construction of an Entrance, in accordance with the specifications established, shall be completed within twelve (12) months from the date of issuance of the installation permit. The Director may, in their sole discretion, renew or extend any permit issued under this by-law at no charge to the Applicant.
- 3.12 The Applicant or their contractor shall notify the Township at least 48 hours prior to commencement of construction of the Entrance. Work cannot commence until the Township authorizes the start.
- 3.13 Entrance applications that do not conform to this by-law shall be denied and the Applicant shall be so informed in writing of the Director's decision. A person who wishes to appeal a decision of the Director made pursuant to this by-law may appeal the Director's decision in accordance with the following:
 - a) Council may authorize exceptions to this by-law on a case-by-case basis. A written summary of the request for exceptions and /or presentation must be submitted to the Clerk in accordance with the Township's Procedural By-law.
 - b) Council decisions are final.
- 4.0 RESTRICTIONS – NEW ENTRANCES
- 4.1 Each Entrance onto a Township Road must be designed, constructed and maintained in a manner that will prevent surface water from adjoining properties being discharged via the Entrance onto the shoulder or travelled portion of the Township Road

- 4.2 Entrances shall conform to the standards defined in Part 8 of this By-law.
- 4.3 An Entrance will not be permitted in a location that, in the opinion of the Director, would cause a traffic hazard. The Applicant may be required to obtain a survey and/ or Engineering review to demonstrate that safe access to the Township Road system is possible.
- 4.4 A maximum of one Entrance may be approved for each lot except for corner lots or lots with a minimum frontage of 36m or more.
- 4.5 Entrance culverts are to be one meter inside side yard property line, so as not to interfere with neighboring frontage.
- 4.6 The Township may permit double Entrance where, in the opinion of the Director, the Entrance will not create a safety hazard and is appropriate for the property.
- 4.7 Shared residential Entrances are discouraged and only considered if individual Entrances are not possible due to physical and/or safety constraints. Permits may be issued for new shared residential Entrances provided that:
 - a) The main buildings have the same use and qualify for the same Entrance standard.
 - b) A legal framework is established to secure adequate access rights for all properties making use of the shared residential access.
 - c) Shared Entrance agreements must be registered on title.
 - d) All other requirements of this by-law are satisfied.
- 4.8 When an Entrance is to be changed or altered or where the property is used for any purpose other than its original use, a permit shall be required, and the installation must comply and be subject to all the provisions set out in this by-law.
- 4.9 No permanent Entrances are to be installed between December 1 and April 15 unless a specific exemption is issued by the Director.
- 4.10 Prior to beginning any work on the Entrance, signage and safety devices and this shall be installed in conformance with the Ontario Traffic Manual Book 7. The Township Road shall not be closed at any time.
- 4.11 The asphalt road surface is not to be cut. All disturbed areas are to be restored to the original condition including any necessary sod, topsoil, and seeding.
- 4.12 Any damage to sidewalks or the road surface, curb and gutter, and/or ditches, shall be repaired by the Applicant.
- 4.13 The Applicant shall ensure that all utility locates have been obtained. The Applicant will be responsible for any utility repairs that are necessary if they are cut.

5.0 WORK WITH MUNICIPAL DRAINS

- 5.1 In instances where the Entrance occurs within a Municipal Drain, the Applicant will be required to obtain approval from the Drainage Superintendent and other applicable authorities prior to applying for an Entrance permit.
- 5.2 Any new pipes or works installed within Municipal Drains and their subsequent maintenance, repairs, alterations, replacements, surface repairs etc., shall be the responsibility of the property owner. Work shall take place in accordance with provisions noted within the *Drainage Act, RSO, 1990*.

6.0 MAINTENANCE OF EXISTING ENTRANCES

- 6.1 Property owners having access to a Township Road are solely responsible for the original installation and continued surface maintenance of the Entrance, including but not limited to the removal of snow and ice, keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic, except in instances where the surface deficiency is a result of a pipe deficiency. Any pipe or structure installed under the terms of this by-law shall become property of the Township and can be modified, removed or upgraded when deemed necessary.
- 6.2 Head walls, retaining walls or structures (i.e. pillars, timber/railway tie/ block/ stone/ brick walls or any other type of material) at culverts shall not be permitted within the Township Road allowance. These shall be removed by the Applicant upon written direction issued by the Director. The Township will not be responsible for replacing any structures connected with any Entrance while doing any maintenance work within the road allowance.
- 6.3 Where an existing Entrance is affected by the reconstruction of a Township Road or the reconstruction or cleaning of a ditch, the Township shall reinstate, existing residential Entrances at the Township's cost, to match the existing layout or the current standards applicable under this by-law (whichever is greater as circumstances dictate) provided the Entrance is deemed safe in the sole discretion of the Township. Restoration of surfaces will be with gravel (for non-paved Entrances) or asphalt (for any hard-surfaced Entrance). Reinstatement will be limited to the area physically disturbed during the work. Concrete and paver stone surfaces will not be replaced by the Township.

7.0 CONSTRUCTION OF DITCHES AND WATERCOURSES

- 7.1 No person shall obstruct any ditch, drain, watercourse or culvert either situated on or adjacent to a Township Road or any ditch, drain, watercourse or culvert providing an outlet for water discharged from a Township Road.
- 7.2 Any person found to be obstructing a drain, ditch, watercourse or culvert, shall, when requested by the Township to do so, remove the obstruction within such time as is reasonable having regards to all circumstances but, in any event, within twenty-four (24) hours, and in default thereof, same shall be done by the Township at the person's expense.

8.0 NEW ENTRANCE STANDARDS

8.1 Pipes:

- a) The diameter, gauge, length and type of pipe to be used to convey surface water drainage either through and shall be determined by the Director based on contributing drainage area and other factors deemed appropriate during the analysis.
- b) The material will be new aluminized type II corrugated steel pipe with a minimum wall thickness of 1.6 mm for pipes size up to 1,200 mm The wall thickness for corrugated steel pipes with a larger diameter than 1,200 mm shall be evaluated on a case-by-case basis.

8.2 Surface Widths:

- a) Public Entrance: Per Engineer's design as approved by the Director.
- b) Residential Driveway: 5.0m
- c) Commercial Entrance: Per Standard Ministry of Transportation Ontario Drawings (MTOD) or approved Engineer's design
- d) Agricultural Entrance: 6.0m
- e) Temporary Entrance: Varies based on requested use
- f) Where a culvert exceeding 15 meters in length is required, the Applicant shall be required to construct a catch basin and access grate acceptable to the Director.

8.3 The centerline of an Entranceway shall meet the projected centerline of the roadway at an angle of 90 degrees.

8.4 The culvert shall be centered on the Entrance and in the ditch line unless otherwise approved by the Director.

8.5 The length of culvert shall be determined by taking into account the minimum surface width and the depth of the ditch with 3:1 side slopes.

8.6 In no case will the diameter be less than 300mm or the length less than 6.0 meters.

8.7 Installation shall be in accordance with Ontario Provincial Standard Drawings (OPSD) 301.010 and 301.020.

8.8 Sight-line distances must be consistent with TAC Guidelines.

8.9 Culverts shall be installed at the proper grade to provide free and unimpeded flow of water through the culverts.

8.10 Finished surface grading is to be completed per the requirements of the permit. Applicants may be required to submit a site grading plan depicting the existing topography and proposed site grades and cross sections at the discretion of the Director.

9.0 INSPECTIONS, OFFENCE AND PENALTY PROVISIONS

- 9.1 This By-law shall be administered by the Director of Infrastructure Services of the Municipality.
- 9.2 This By-law shall be enforced by a Municipal Law Enforcement Officer and/or Manager of Transportation of the Municipality.
- 9.3 A field inspection will be carried out by Township staff upon commencement and/or completion of the Entrance. The Township may require that modifications be performed if the installation of the Entrance does not conform to the plans, specifications and permit conditions.
- 9.4 In the event that modifications are required, the Township shall provide written notice of the modifications to the Applicant at the Applicant's address as shown on the Entrance permit application. The Applicant shall carry out the required modifications within 10 days of the date of the written notice and is responsible for the cost of the inspection and any modifications required.
- 9.5 This By-law is subject to and in furtherance of *the Drainage Act, RS, 1990*, as amended.
- 9.6 Pursuant to Section 436 of the *Municipal Act, 2001, S.O. 2001, c. 25*, the Director of Infrastructure Services and/or or a Municipal Law Enforcement Officer and/or Manager of Transportation may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not any provisions of this By-law are being complied with.
- 9.7 Pursuant to Subsection 426(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- 9.8 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by a corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
- 9.9 Every person convicted under this By-law is liable:
- a) upon first conviction, to a maximum fine of \$5,000;
 - b) upon any subsequent conviction, to a maximum fine of \$10,000.
- 9.10 Notwithstanding Subsection 9.9 of this By-law, where a person convicted is a corporation, the corporation is liable:
- a) upon first conviction, to a maximum fine of \$10,000;
 - b) upon any subsequent conviction, to a maximum fine of \$25,000.

9.11 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

10.0 GENERAL PROVISIONS

10.1 This By-law may be cited as the "Entrance By-law".

11.0 REPEAL

11.1 By-law No. 38-1999 is hereby repealed in its entirety.

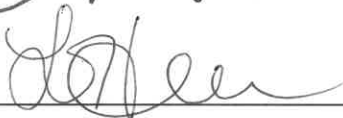
12.0 EFFECTIVE DATE

12.1 This By-law shall come into force and effect on March 11, 2026.

READ AND PASSED in open Council, signed and sealed this 11th day of March, 2026.



Mayor



Clerk