

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 38-1999

BEING

a by-law to regulate the installation and usage of entranceways and to prohibit the obstruction of certain drains.

WHEREAS

the Municipal Act, R.S.O. 1990, c.M. 45 subsection 207 (16) (17) provides that councils of all municipalities may pass by-laws for prohibiting the obstruction of any drain or water course, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or water course situated on a highway under the jurisdiction of the municipality;

AND WHEREAS

it is deemed expedient to regulate the installation and use of entranceways over ditches and water courses upon or providing outlet to any highway forming part of the road system that is under the jurisdiction of the Corporation of the Township of South Stormont.

NOW THEREFORE

be it enacted and it is hereby enacted a by-law of the Corporation of the Township of South Stormont as follows:

1. In this By-Law:

- a) "Entranceway" 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, herein defined as a Township Road, and includes the tiling and covering or filling in of a roadside ditch for any purpose whatsoever;
- b) "Corporation" means the Corporation of the Township of South Stormont;
- c) "Applicant" means any person, group or corporate body who applies to the Corporation for permission to construct an entranceway.

2. Classification of Entranceways:

a) Public Entranceway

A Public Entranceway is an entrance opening onto a Township Road from a public road, street or highway or other thoroughfare, maintained by a municipality or other authority;

b) Commercial Entranceway

A commercial entranceway is an entrance opening onto a Township Road from such commercial enterprises such as but not limited to gas stations, motels, drive-ins, car washes, shopping centres, grocery stores, apartment houses, multi (5 or more) family dwellings, industrial developments or non-commercial traffic generators such as community halls, recreational complexes and schools.

c) Agricultural Entranceway

i) Farm Entranceway

- i) A farm entranceway is an entrance opening onto a Township Road from a farm, primarily for access to barns and outbuildings. (A farm is defined as a holding of usable land of more than five hectares).

ii) Field Entranceway

A field entranceway is an opening onto a Township Road from a field or bush forming part of a farm. It shall be used only for the passage of animals and for crop related activities, but not for access to buildings of any type.

d) Residential Entranceway

A residential entranceway is an entrance opening onto a Township Road from a private or accessory residence.

e) Pedestrian Entranceway

A pedestrian entranceway is an entrance opening onto a Township Road for the sole use of pedestrians.

In case of entranceways serving two or more purposes, the conditions governing the first listed classification will govern.

f) Temporary Entranceway

A temporary entranceway is an entranceway that will be used for a short period of time to permit construction or other short term access. All temporary entranceways will be removed on or before six months from the granting of the permit.

3. a) No person shall construct, alter, or change the use of an entranceway onto a Township Road unless and until the prescribed fee as set out in the Standard and Specifications has been paid and a permit has been issued by the Corporation.

- b) A permit shall be effective and valid upon the completion of the terms and conditions contained therein.

4. The granting of a permit shall be subject to provisions of this by-law and shall be issued on behalf of the Corporation by the Public Works Manager and Foreman.

5. The cost of construction or alteration of all entranceways, including construction of catch basins, curbs, gutters, islands or other necessary appurtenances, shall be borne entirely by the applicant.
6. The locations and modes of construction of all entranceways shall be in accordance with standards and specifications established by the Public Works Manager, from time to time, and approved by the Council of the Corporation.
7.
 - a) No person shall obstruct any drain or water course either situated on a Township Road Allowance or providing an outlet for water discharged from a Township Road Allowance.
 - b) Any person found to be obstructing a drain or water course as provided in a) shall, when requested by the Public Works Manager to do so, remove the obstruction.
8. Restrictions regarding entranceways.
 - a) An entranceway will not be permitted:
 - i) In a location that in the opinion of the Public Works Manager or Foreman would cause a traffic hazard.
 - b) Each entranceway onto a Township Road must be designed, constructed and maintained in a manner that will prevent surface water from adjoining property being discharged via the entranceway onto the traveled portion of the Township Road.
9. Temporary Entranceway

A person wishing to construct a temporary entranceway must obtain a permit before constructing the temporary entranceway. The fee for a temporary entranceway permit shall be fixed at an amount determined by the Council of the Corporation and will include an amount to cover the removal of said entrance and an administration fee.
10. Fees

All entranceway permits shall be pre-paid. The fee shall be established on an annual basis, by the Township Public Works Manager and approved by the Council of the Corporation and which shall include inspection and administration costs.
11. An application for an entranceway that is not covered by the provisions of this by-law may without affecting the continued application of the provisions herein, and with the concurrence of the Public Works Manager and Council of the Corporation, be accepted and approved for the issuance of a permit.

12. Maintenance

The Corporation will maintain and replace from time to time, as required, all entranceway culverts installed under provisions of this by-law at its cost, except that the Corporation shall not maintain nor replace any culvert which is in excess of the length required by the standards and specifications established for the purpose of this by-law. The Township will not maintain the driving surface whether it may be stone, asphalt or interlocking brick unless the culvert has to be re-set for the ditch grade and approved by the Public Works Manager. Existing headwalls shall be replaced with culvert extensions to obtain the same surface width.

13. Reconstruction

Where an existing entranceway is affected by the reconstruction of a Township Road, the Corporation will reinstate the entranceway at its cost. The reinstatement will conform to this by-law. Any original materials of construction salvaged shall remain the property of the Corporation.

14. Appurtenances

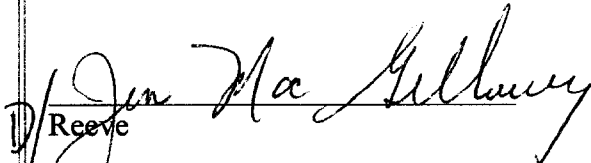
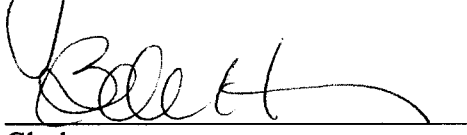
- a) Pillars shall not be permitted on a Township Road Allowance.
- b) Culvert headwalls of any material shall not be permitted.
- c) Entranceways requiring a pipe longer than 15 meters shall require a catch basin.
- d) Curbing shall be permitted for commercial entrances provided it conforms to the Ontario Provincial Standard Drawings and Specifications.
- e) Cutting or re-shaping the concrete curb for a new or existing entranceway will be permitted provided it conforms with the specifications determined by the Public Works Manager.

15. Any person contravening any provision of this by-law shall be guilty of an offence, and upon conviction, shall be subject to the imposition of a fine of not more than \$2,000.00 as provided in the Municipal Act, R.S.O. 1990, c.M. 45 s. 320.

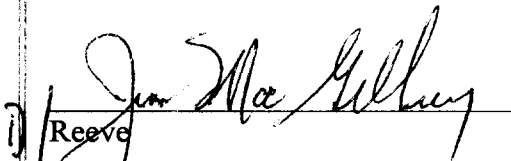
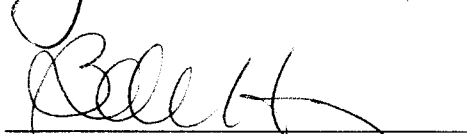
16. That any by-law inconsistent to this by-law is hereby repealed.

17. That this by-law take force and effect upon being finally passed by Council.

READ A FIRST AND SECOND TIME this 23rd day of June, 1999.


Reeve

Clerk

READ A THIRD TIME and passed in Open Council this 23rd day of June, 1999.


Reeve

Clerk

STANDARDS AND SPECIFICATIONS
for the purpose of By-Law No. 38-1999

1. Residential

Entrance Width

- a) Only one entranceway per residential lot will be permitted except corner lots or lots with road frontage on more than one side or lots having a minimum frontage of 36 meters (120 feet) or more. Minimum standard platform width to be 4.5 meters (15 feet). Minimum culvert length not less than 6 meters (20 feet). Maximum culvert length not to exceed 9 meters (30 feet) unless ditch depth exceeds 1.2 meters and requires an additional culvert to maintain the minimum side slope of 1/1.5. The culvert length will be determined by measuring the depth of the ditch and calculating the amount of culvert needed to achieve the minimum standard platform width and specified side slope. Entrance culverts are to be one (1) meter inside sideyard property line, so as not to interfere with neighbours frontage unless special provisions are approved by the Public Works Manager or foreman.
- b)
 - i) Pipe Size: the pipe shall be a new galvanized, corrugated steel pipe of a size that shall be determined by the Township based on a field inspection. In no case will the diameter be less than 300 mm or the length less than 6.0 meters or the normal metal thickness less than 1.6 mm.
 - ii) Entranceways installed in a Municipal Drain shall be sized as per the Engineers Report and corresponding by-law.
- c) Installation shall be in accordance with Ontario Provincial Standard (O.P.S.) Drawings 301.01 and 301.02 as modified.

2. Commercial Entranceways:

Installation shall be in accordance with O.P.S. specifications.

3. Public Entranceways:

Shall be in accordance with O.P.S. Drawing 300.01 and 300.02 and O.P.S. specifications.

4. Permit Procedures:

- a) The application form prescribed by the Township shall be completed.
- b) A pre-inspection shall be made to determine the Township requirements.
- c) Proof of adequate insurance coverage shall be submitted.
- d) A fee shall be paid based on the following:

Entrance requiring a culvert	\$100.00 per permit
Entrance not requiring a culvert	\$ 50.00 per permit
Entrance on an urban street	\$ 50.00 per permit
Existing entrance on an urban street requiring curb and gutter re-shaping	\$ 50.00 per permit
Entrance culvert extensions	\$ 50.00 per permit

- e) permit shall be issued specifying the terms, conditions and fee applicable.
- f) Upon receipt of adequate notice as prescribed on the Entranceway Permit, an inspection shall be made by the Township at the beginning of and as required during the construction of the entranceway.
- g) If, due to want such notice, the inspection cannot be made during construction the Township may do the inspection at a later date. If deficiencies are found, the entranceway shall be declared an obstruction requiring removal.
- h) If the prescribed highway construction signage is not in place, the work shall be stopped until the signing meets specification.
- i) A report shall be made itemizing deficiencies, if any. The applicant shall be notified of the number and nature of the deficiencies and given 10 working days to correct such deficiencies.
- j) If the deficiencies are not corrected within the 10 working days, the Township may declare the deficient entranceway an obstruction and correct the deficiencies or remove the entranceway in entirety at its sole discretion, and invoice the costs to the owner.

5) Failure to Comply

Failure to comply with the provisions of this By-Law or the standards and specifications established in accordance with the provisions may be prosecuted to the full extent of the law.