

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW NO. 20-609

Being a By-Law to adopt an Entrance Policy for the Township of South Algonquin

WHEREAS pursuant to Section 27 of the *Municipal Act, 2001* as amended (the Act) municipalities may enact by-laws regarding highways it has jurisdiction over;

AND WHEREAS pursuant to Section 11 and 8 of the Municipal Act, 2001 as amended (the Act), as part of the power to regulate or prohibit a matter, a municipality may, among other things, require persons to do things respecting the matter and provide for a system of permits;

AND WHEREAS pursuant to Section 444, 445, and 446 of the Municipal Act, 2001 as amended (the Act), a municipality possesses certain enforcement powers including the authority to undertake remedial action and recover the costs for such action from the person responsible;

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

1. The Entrance Policy **NO. ADM-011-00** is hereby approved and adopted.
2. This by-law, when passed, takes precedence over all previous by-laws/policies or resolutions with respect to the matters contained herein and shall come into force and effect on the day of its passing.

READ A FIRST AND SECOND TIME, this 4th day of March 2020.

MAYOR – Jane A.E. Dumas

CAO/ CLERK-TREASURER – Holly Hayes

READ A THIRD TIME AND FINALLY PASSED this 4th day of March 2020.

MAYOR – Jane A.E. Dumas

CAO/ CLERK-TREASURER – Holly Hayes

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

SUBJECT:	ENTRANCE POLICY			
TYPE:	ADMINISTRATION	POLICY NO. ADM-011-00		
DATE: February 27, 2020	REVIEW DATE:	FREQUENCY:	REL. BY-LAW: 20-609	# OF PAGES: 7

DEFINITIONS

"**Council**" means the Council of the Corporation of the Township of South Algonquin.

"**Entrance**" shall be any driveway, lane way, private road, entrance, bridge, or other structure or facility constructed or used as a means of entrance to a municipal road.

"**Municipality**" refers to the Corporation of the Township of South Algonquin.

"**Urban**" refers to roadway possessing curb & gutter, storm sewer, or sidewalk.

"**Rural**" refers to roadway possessing open ditches and/or sidewalk.

"**Residential**" refers to a home dwelling.

"**Commercial/Industrial**" refers to a lot(s) dedicated to conducting business.

POLICY

The Public Works Department shall administer this policy.

All entrances shall be approved by the Municipality, **in writing**, prior to an Owner/Applicant proceeding with construction of the entrance. This is to ensure that such entrance does not interfere with the safety of persons using municipal streets and to ensure that such an entrance would not, by its location, obstruct a ditch or watercourse, cause damage to roads or property, or impede maintenance of the roads.

Written approval shall be in the form of an Entrance Permit.

This policy relates to construction of new entrances or changing or relocation of existing entrances.

All entrances are to be constructed to OPSD, OPSS and CSAS standards and specifications.

APPLICATIONS

All applications submitted for approval shall be made to the Public Works Department.

The application will consist of:

- 1) An application form prescribed by the Municipality;**
- 2) A sketch setting out the location and dimensions of the entrance.**

When an application is being made for construction of a new building, the request for an entrance shall be incorporated into the Building Permit Application and Building Permit approval process; however, a separate Entrance Permit Application will be required. The Site Plan submitted with the Building Permit Application shall show the location and dimensions of the entrance. The Entrance Permit Application will be forwarded to the Public Works Department for approval.

The Entrance Permit Application Form will include an authorization by the Owner of the property abutting the entrance if the person requesting approval is not the Owner of the property. This authorization will confirm that the Applicant has the authority to apply for and construct the entrance on the Owner's property.

STANDARDS

All entrances (including the culvert) will be maintained, repaired and be the complete responsibility of the Owner/Applicant to provide adequate and safe travel of individuals who use the entrance.

It is the responsibility of the Owner/Applicant and/or the contractor carrying out the work to ensure that construction of the entrance meets all safety standards set forth by the Ministry of Labour and Ministry of Transportation.

No materials will be allowed to be placed on the Municipal right of way without the permission of the Municipality. The Owner/Applicant will be responsible for the restoration of the right of way at their own expense and satisfaction of the Municipality.

The installation of curbing, fencing, walls, hedges or other obstructions on municipal boulevards are strictly prohibited. The removal of these obstructions will be charged to the Owner/Applicant if they fail to remove them on their own accord.

No person shall apply asphalt or other hard surface to that portion of an entranceway on road allowance except with permission of the Municipality.

If the boulevard has been treated with an approved asphalt or concrete surface, the Owner/Applicant is responsible for its maintenance and repair.

The Municipality will be responsible for restoring the condition of an existing entrance only when its removal is required to perform improvements or repairs on boulevards.

RURAL ENTRANCE REQUIREMENTS

Entrances will only be permitted in locations that do not jeopardize or threaten the safety of the public and conform to the following criteria:

Residential:

Visibility of entrance at road shall be a minimum distance of 50 meters in both directions.

Depending on whether the entrance is in a cut or a fill, the access would have to meet either OPSD-301.01 0 or OPSD-301.020 (copies attached).

Entrance distance from an intersection must be a minimum of 9.0 meters as per MTO Geometric Standards.

The maximum number of entrances allowed on a property is two (2).

The minimum distance between two entrances on the same property is 7.0 meters.

The entrance must be situated at least 3.0 meters from a property line or utility structure (i.e. hydro pole or guide wire, telephone or hydro service box).

Ditches must provide positive drainage to allow water to flow freely. If positive drainage is prevented by the installation of the entrance, the Owner/Applicant must purchase an approved culvert. The size of the culvert required in each situation will be determined by the Public Works Department.

The culvert will have sufficient length to extend 0.3 meters beyond the toe of slope of the entrance.

Residential entrance granular surface course must possess a minimum thickness of 100 mm of Granular "A".

All materials utilized in constructing an entrance shall conform to OPSS requirements.

Industrial/Commercial/Institutional:

Visibility of entrance at road shall be a minimum distance of 120 meters in both directions. The use of approved truck turning signs may be a requirement and will be determined by the Public Works Department.

Depending on whether the entrance is in a cut or a fill, the access would have to meet either OPSD-301.01 0 or OPSD-301.020 (copies attached) for configuration only.

Entrances must be constructed in accordance to the Commercial Site Access Policy and Standard Designs. Attached are CSAS-18, CSAS-23 & CSAS-PROF.

Entrance distance from an intersection must be a minimum of 35.0 meters.

The minimum distance between two entrances on the same property is 22.0 meters.

The maximum amount of entrances allowed on a property will be two (2).

An entrance will be located at a minimum distance of 15.0 meters from a residential property line and 10.0 meters from a commercial/industrial property line.

The entrance must be situated at least 3.0 meters from a utility structure (e.g. hydro pole, guide wire, telephone or hydro service box).

Ditches must provide positive drainage to allow water to flow freely. If positive drainage is prevented by the installation of the entrance, the Owner/Applicant must purchase an approved culvert. The size of the culvert required in each situation will be determined by the Public Works Department.

The culvert will have sufficient length to extend 0.3 meters beyond the toe of slope of the entrance.

All materials utilized in constructing an entrance shall conform to OPSS requirements.

URBAN ENTRANCE REQUIREMENTS

Entrances will only be permitted in locations that do not jeopardize or threaten the safety of the public. The Site Distance requirements will be determined by the Public Works Department.

Residential:

Entrance distance from an intersection must be a minimum of 9.0 meters as per MTO Geometric Standards.

The maximum entrance width permitted for a single or duplex dwelling will be 6.0 meters. An additional 3.0 meter in width will be allowed for each additional dwelling to accommodate a triplex and four-plex.

Entrances will conform to OPSD 351.010 and with sidewalks to OPSD 310.050.

All costs associated with the installation and/or repairs of an entrance will be at the expense of the Owner/Applicant.

The maximum number of driveways allowed on a standard property will be one (1). The Public Works Department must approve the request for additional driveways.

The minimum distance between two entrances on the same property is 7 meters.

The entrance's granular surface course must possess a minimum of 100 mm of Granular "A" in depth.

Industrial/Commercial/Institutional:

Entrance distance from an intersection must be a minimum of 9.0 meters as per MTO Geometric Standards.

The entrance will be designed and constructed in accordance with OPSD 350.010 and the Commercial Site Access Policy and Standard Designs.

The use of approved truck turning signs may be a requirement and will be determined by the Public Works Department.

All costs associated with the installation and/or repairs of an entrance will be at the expense of the Owner/Applicant.

If the boulevard has been treated with an approved asphalt or concrete surface, the Owner/Applicant is responsible for its maintenance and repair.

The Municipality will be responsible for restoring the condition of an existing entrance only when its removal is required to perform improvements or repairs on boulevards.

Only one entrance will be allowed per frontage unless written approval is given by the Public Works Department.

The entrance must be located a minimum distance of 3.0 meters from their property line.

Culverts:

If an entrance requires a culvert, the Owner/Applicant shall be responsible for the cost of its installation in its entirety. Once it has been installed and approved by the Municipality, the Municipality will assume the cost and responsibility of providing positive drainage to the culvert. The Owner/Applicant will be responsible for replacement costs of the culvert if replacement is required.

The obstruction of any drain on Municipal right of way is prohibited by the Drainage Act.

Approved HDPE culverts of new material will be allowed as per specification.

Roadway culverts will be a minimum diameter of 300 mm or as required to handle a two-year storm.

All culverts will extend beyond their respective roadway toe of slope for a minimum of 300 mm.

Bridges:

Entrances requiring construction of a bridge shall be constructed subject to the approval and supervision of the Municipality and any costs thereof shall be the responsibility of the Owner/Applicant.

Who Will Perform Work:

The Owner/Applicant, as per the approved Entrance Permit Application, shall carry out the construction of all entrances. Costs shall be the responsibility of the Owner/Applicant as set out previously in this policy.

Inspections:

The Municipality shall have the right to inspect the installations of works and services required to be performed in accordance with OPSS, OPSD, & CSAS requirements. Where the Municipality has reason to believe the work is not being done to the required standards and specifications, the work can be stopped until further notification from the Municipality is given to proceed.

Timeframe for Work to be Done:

The Permit shall lapse after 1 year. Issuance/signature of the Permit shall prove as evidence that the Owner/Applicant has agreed to the timeframe. The Owner/Applicant can vary the timeframe only on the written agreement with the Public Works Department.

Should the Owner/Applicant allow a Permit to lapse, an Application Renewal Fee of \$35 plus taxes will be charged to the Owner/Applicant.

Non-Approved, Inadequate or Dangerous Entrances:

Where an entrance is installed without approval, or is, in the opinion of the Public Works Department, inadequate, obstructing a ditch or watercourse, causing damage to a road or property within the Municipality, or impeding maintenance of the road(s); the Owner/Applicant of the property serviced by the entrance shall within 20 days of a written notice from the Municipality remove or modify the entrance and restore the entire road allowance at their cost.

Where the Owner/Applicant fails to comply with the notification to change, the Municipality may proceed to remove or modify the entrance and restore the road allowance without further notice of prior approval/agreement. The Owner/Applicant will be billed for the labour, equipment and materials required in removing or modifying the entrance and restoring the road allowance. The Owner/Applicant will also be charged an Application Renewal Fee if an entrance is created. All such billing shall be done through the Municipality's Accounts Receivable system and any fees unpaid within a timely manner will be added to the Tax Roll for the property

Where an entrance is, in the opinion of the Public Works Department, dangerous to pedestrians or vehicular traffic or interfering with the safety of persons or vehicles using municipal streets, the Public Works Department may proceed to remove or modify the entrance and restore the road allowance without further notice or prior approval/agreement. The Owner/Applicant will be billed for the labour, equipment, and

materials required in removing or modifying the entrance and restoring the road allowance. The Owner/Applicant will also be charged an Application Renewal Fee if an entrance is created. All such billing shall be done through the Municipality's Accounts Receivable system and any fees unpaid within a timely manner will be added to the Tax Roll for the property.

General:

Materials used in the construction of an entrance shall be to the OPSS specifications.

The construction of an entrance shall be conducted in accordance to the OPSS specifications.

Maintenance of the driving surface of an entrance is the responsibility of the Owner/Applicant. The Owner/Applicant shall be responsible for all maintenance of the driveway to the curb line and shall keep it in good repair. Failure to do so will result in the Municipality doing the repairs at the Owner/Applicant's expense. The portion of driveway on Municipal owned property shall remain under Municipal ownership and the Municipality shall have the right to remove, replace, alter or adjust this driveway should it be deemed necessary by the Municipality.

The Municipality shall not be liable, in any manner whatsoever, to set grades.

The Municipality shall not be liable, in any manner whatsoever; in the event there is required removal of part of a driveway by the Municipality for construction of a sidewalk or for any other reason.

No greater width or construction shall be permitted on a boulevard than that for which a permit is issued.