

BY-LAW

Number 91-176

"PROPERTY ACCESS LICENCE BY-LAW"

A by-law to regulate and control the use
of untravelled portions of highway for
entrance to adjoining property

WHEREAS the Municipal Act, R.S.O. 1980, Chapter 302, Section 310 provides, inter alia, authority for council to license the use of untravelled portions of highways under the jurisdiction of council to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed and for regulating and controlling the use thereof; and

WHEREAS Section 208(17) provides authority for permitting and regulating the size and mode of construction of culverts on a highway under the jurisdiction of the municipality.

NOW THEREFORE BE IT RESOLVED THAT:

1. Authority

All highways described in the Municipal Act, R.S.O. 1980, Chapter 302, Section 257 are subject to this by-law except highways within the municipality under the jurisdiction of other municipal authorities.

2. Licence Requirements

No person shall use any road, street or highway to construct an entranceway or access or change an existing entranceway or access to an adjoining property without first obtaining a licence according to the following requirements set out hereto.

3. Definitions

In this By-Law the following definitions apply:

"Applicant" means the person applying for the Entrance Permit.

"Director" means the Director of Public Works of the Amalgamated Town or his designated representative.

"Entrance" means any private road, gate, entranceway or other structure or facility constructed as a means of access to a municipal road.

"Boulevards" means any part of the highway where grass is grown and which is not intended for use of vehicles between the curb or outside edge of the shoulder and the street line, inclusive of the area covered by a sidewalk or footpath.

3. Definitions Cont'd.

"Street Line" means the line dividing a lot and the road allowance.

"Highway" means any public right-of-way which includes alleys, avenues, boulevards, circles, courts, drives, highways, caves, paths, places, roads, streets, terraces, walks, under the jurisdiction of the Amalgamated Town.

"Structure" means anything constructed or erected, the use of which required location on the ground and used for the shelter or accommodation of person, animals or goods.

4. Licence

All persons requiring an entrance to their property from a municipal highway shall obtain a licence from the Director and no person shall construct, alter, relocate or use any entrance as means of access to a municipal highway except in accordance with the conditions of the Entrance Licence issued by the Director.

5. Licence Fee/Application

- a) An application for property access shall be on forms approved by the Director.
- b) A \$15 fee must accompany each application.
- c) In the case of entrances installed by the Town, the \$15 will be treated as a deposit and deducted from the cost of entrance installation, the payment of which balance is due prior to the issuance of approval.
- d) In the case of entrances constructed by a contractor approved by the Director, the \$15 Inspection Fee is non-refundable.

6. Specificationsa) Slope

All entranceways unless otherwise approved, must be 2% grade sloping away from the shoulder of the road so surface water is not discharged via the entrance onto the roadway.

b) Culverts

- i) Must have a minimum 15cm (6") of cover, a minimum length of 7 metres (24') and a minimum size of 400 mm (15").
- ii) Ditching required to accommodate the above shall be the responsibility of the applicant unless otherwise indicated and shall exceed 7 metres (24') each way from end of culvert, to provide an unimpeded flow of water through the pipe.

6. Specifications Cont'd.b) Culverts Cont'd.

iii) All culverts and entranceways must not have raised concrete head walls, stone or wooden ends, unless approved and if approved may not be higher than the level of the road shoulder. Any approved head walls shall be the responsibility of the applicant/owner at all times.

c) Curb Cuts

Costs will be estimated by the Director and the sum must be paid to the Town prior to approval of the Licence or commencement of the works.

7. Visibility Requirements

a) Entranceways in areas where the speed limit is 80 kilometres per hour must be located a minimum of 91 metres (300') from the end of a bridge deck or from its nearest part of the structure which interferes with the clear vision of traffic using the entrance.

b) In areas where the speed limit is less than 80 kilometres per hour, the location of an entrance to that distance from the bridge or other structure may be less as deemed by the Director.

c) Entranceways will not be permitted where favourable vision and grade alignment conditions are not adequate as per sight distance schedule.

d) Minimum Sight Distances:

<u>Speed Limit</u>	<u>Sight Distances</u>
50 km/hr (30 mph)	120 metres (400 feet)
60 km/hr (35 mph)	140 metres (465 feet)
70 km/hr (40 mph)	160 metres (530 feet)
80 km/hr (50 mph)	180 metres (600 feet)

The distance is measured from the point of the entrance onto the travelled portion of the road at a height of 1.05m (3.44') above ground which represents the driver's eye level and 3.0m (10') from the edge of pavement and a height of object (roof of vehicle) measured 1.3m (4.26') above the road.

8. Entranceway Licence and Installation

All costs associated with an entrance access licence shall be the responsibility of the applicant. These costs include all costs for the construction and alteration of an entrance such as labour and materials for the entrance itself, alteration to the roadway, legal costs, etc.

9. Inspection

A field inspection will be carried out upon completion of a culvert installation. The Director reserves the right to carry out any adjustments including the removal if the installation does not conform to the entrance licence, at the applicant's cost.

10. Maintenance

Upon approval of a culvert installation, the culvert shall become the property of the Town and all future maintenance, repairs, etc. shall be the responsibility of the Town. The property owner served by an entrance shall be responsible for maintaining the surface of each entrance for a distance extending from the property line to the shoulder of the road. The Town shall only maintain that portion of the entrance from the travelled portion of the road to the outer edge of the shoulder.

11. Time for Construction

Approved entrance licences require the installation of the entrance within six months from the date of issue. This licence may be transferred to a new owner with written notice to the Town.

12. Temporary Licence

Licences may be issued for the construction of a temporary entrance with a specified period of time being six months. Should the applicant wish to extend the expiry date of a temporary access licence, he is required to re-apply in writing for consideration and possible approval by the Director.

13. Restrictions

No person shall apply an asphalt or concrete surface to that portion of an entrance on the road allowance of a Town road until a licence is issued by the Director.

14. Appeal Process

Where the applicant wishes to appeal the decision of the Director or his designate as to the issuance of a licence or any condition, his appeal will be in writing to be reviewed by Council.

15. Snow Removal

No snow is to be deposited on or across the road. It is the responsibility of the property owner to maintain their own mail box, and clear the snow back from the mail box. Any fencing which may be an obstruction causing snow drifting on the road is prohibited.


16. Obstruction Removal

Any obstruction or property access built without a licence will be removed by the Director.

17. This by-law shall come into force and take effect on the date of final passing thereof.

18. This by-law shall be cited as the "Property Access Licence By-law".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5TH DAY OF NOVEMBER, 1991.


MAYOR


CLERK