

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

BY-LAW NO. 34-2017

Being a By-law to Regulate the installation and usage of entranceways.

WHEREAS the *Municipal Act*, S.O. 2001, c. 25, Section 11(3) permits municipalities to pass by-laws pertaining to highways, including traffic on highways;

AND WHEREAS the *Municipal Act*, S.O. 2001, c. 25, authorizes a lower-tier municipality to pass by-laws to adopt and maintain policies with respect to certain matters;

AND WHEREAS the Council of the Corporation of the Township of North Stormont finds it 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 Township Road Network;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT ENACTS AS FOLLOWS:

1.0 GENERAL INTENT

- 1.1 Given that it is considered advisable to control the construction of entrances onto Township Roads, it is herein resolved that the following policy be adopted as a guideline to control accesses onto Township Roads.
- 1.2 The Public Works Superintendent and the Municipal Engineer (as appointed by Council), shall consider the following criteria when reviewing all applications for new entrances or alterations to entrances:
- a) All entrances onto Township highways shall be under the control of the Technical Services Department. New installations and alterations shall conform to this policy and be completed according to municipal standards. All costs shall be borne by the owners/applicant.
 - b) Protection of the public through the orderly control of traffic movements onto and from Township Roads, including the possible requirements for left and/or right turn lanes.
 - c) Maintenance of the traffic carrying capacity of the Township Road Networks.
 - d) Protection of the public investment in Township Road facilities.
 - e) Minimizing Township expenditures on maintenance of private entranceways.
 - f) Providing legal access onto Township roads from adjacent private property.

2.0 DEFINITIONS

- 2.1 "Alteration" means proposed changes to the existing entrance such as widening the entrance and/or upgrading of existing surface (i.e.

gravel to hot mix asphalt).

- 2.2 "Commercial/Industrial/Institutional Entrance" provides access to a business where goods or services are manufactured or sold to the public and includes as well, residential facilities of five or more units.
- 2.3 "Corporation" means The Corporation of the Township of North Stormont.
- 2.4 "Emergency Access" provides access to subdivision developments for emergency vehicles only, in the event that the main access to the development is no passable. Adequate measures are to be incorporated in the emergency access to prevent (adequately discourage) use by private residents or delivery vehicles.
- 2.5 "Farm Entrance" provides access to farm buildings and agricultural lands.
- 2.6 "Field Entrance" provides access to agricultural fields.
- 2.7 "Municipal Engineer" means the engineer appointed by the Township of North Stormont.
- 2.8 "Public Entrance" provides access onto a Township Road from a registered subdivision by means of a public road or street.
- 2.9 "Private Entrance" means a private road, emergency road or access road that is not under municipal ownership that requires access onto a municipal highway.
- 2.9 "Re-Classification Entrance" means when an existing entrance is to be used for other than its intended use (i.e. a field entrance to be used as a residential entrance) will be required to be re-classified and to be upgraded to meet current Township Standards.
- 2.10 "Residential Entrance" provides access to residential facilities of four units or less.
- 2.11 "Temporary Access" provides access to properties for a limited period, not to exceed one (1) year for construction, repairs or improvement on a property or to facilitate a staged development.
- 2.12 "Temporary Access – Garden Suite" provides for the installation of a second entrance to a property to accommodate a temporary garden suite for a limited period as set out in the garden suite agreement. The entrance shall be removed at the termination of the garden suite agreement.

3.0 LOCATION OF ACCESSES

- 3.1 The proposed access location is to be clearly illustrated on a sketch which is to accompany this application for an access permit. The sketch must provide enough information to enable staff to locate it in the field (i.e. dimensions to buildings and/or landmarks like fences, hedgerows and tree lines, etc.
- 3.2 The Township may restrict the placement of an access onto the Township's road in the interest of public safety. New accesses must be located so as to provide, in the opinion of the Township's Public Work's Superintendent or Municipal Engineer:
 - a) No undue interference with the safe movement of public traffic, pedestrians or other uses of the highway.

- b) Favourable vision, grade and alignment conditions for all traffic using the proposed access to the Township road.

3.3 In general, new entrances **will not be permitted** at the following locations:

- a) Along a lane which is identified for the purpose of an exclusive vehicular turning movement.
- b) In close proximity to intersections and bridges.
- c) Where the following minimum sight distance requirements for Commercial/Industrial/Institutional are not met:

Posted Speed (km/hr)	Minimum Sight Distance (m)
50	120
60	140
70	160
80	180
90 +	200

- d) Where the following minimum sight distance requirements for Residential/Farm Entrances:

Posted Speed (km/hr)	Minimum Sight Distance (m)	
	Flat – Less than 3% (m)	On a Grade – 3% or greater
40	45	45
50	65	65
60	85	90
70	110	120
80	140	155
90	170	190
100	200	220

Note: The Ministry of Transportation of Ontario uses the above minimum sight distances. Sight distances shall be measured from eye height of 1.05 metres measured 3 metres from outer edge of the traffic lane to an object height of 0.45 metres above the road-way surface. These distances may be modified only if approved by the Municipal Engineer.

3.4 An entrance adjacent to a bridge or other structure which may interfere with the clear vision of traffic using the entrance must be located as follows:

- a) a commercial entrance in an area where the speed limit is 80km/hr or more must be located at least 30 metres (100 feet) from the end of the deck of the bridge or from the nearest part of the structure which actually interferes with the clear vision of traffic using that entrance.
- b) A residential, farm or field entrance in an area where the speed limit is 80km/hr or more must be located at least 30 metres (100 feet) from the end of the deck of the bridge or from the nearest part of the structure.

3.5 In areas where the speed limit is less than 80 km/hr, the Public Works Superintendent or the Municipal Engineer may restrict the location of an entrance to that distance from the bridge or other structure which he deems advisable.

4.0 DESIGN STANDARDS

4.1 Entrance Grade

4.1.1 The finished surface of the access must drop away from the edge of the highway driving surface to the end of the shoulder rounding at a rate equal to the slope of the shoulder. For a distance of 5.0 metres beyond the shoulder rounding, the slope of the access is not to exceed 3%, where possible.

4.2 Field Entrance

4.2.1 Shall be surfaced with at least 150 mm (6") of Granular "A" and where a culvert is required, its length must be sufficient to provide a 2:1 slope up from the ditch invert to an entrance width of 6.0 metres. A minimum cover on the culvert is to be 300 mm (12"), where possible.

4.3 Farm or Residential Entrance

4.3.1 Shall be surfaced with a minimum of 150 mm (6") of Granular "A". Where a culvert is required its length must be sufficient to provide a 2:1 slope up from the ditch invert to an entrance width of 6.0 metres. A minimum cover on the culvert is to be 300 mm (12"), where possible.

4.4 Commercial/Industrial/Institutional Entrances

4.4.1 Shall be surfaced with hot mix asphalt and where a culvert is required, its length will be dictated by the entrance design which will be site specific, having regard for the number and type of vehicles expected to utilize the entrance. Turning lanes and right turn tapers may be required depending on the site traffic requirements. A minimum cover on the culvert is to be 300 mm (12"), where possible.

4.5 Curbs, Headwalls and Pillars

4.5.1 No curb can extend above the surface of the roadway shoulder within the limits of the shoulder and its rounding. All curbs are constructed at the sole expense and risk of the applicant.

4.5.2 No headwalls or pillars will be permitted within Township Road Allowances.

4.6 Curb and Gutter

4.6.1 Where curb and gutter exists at the location of the proposed entrance, the applicant will be required to construct a drop curb at the entrance location. The existing curb shall be cut or removed and replaced using materials and construction methods acceptable to the Public Works Superintendent or Municipal Engineer.

4.6.2 The area between the curb and sidewalk is to be paved with hot mix asphalt, concrete or paving stones, in accordance with the Municipal Engineer's requirements. If there is no sidewalk, the entrance is to be paved a distance of two metres behind the curb.

4.7 Maintenance of Entrances

4.7.1 Property owners having access to a Township road are fully responsible for the maintenance of the access including the removal of snow and ice and keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic.

4.7.2 Each entrance to a Township road must be designed, constructed and maintained in a manner that will prevent surface water from the entrance-way or from the adjoining property being discharged via the entrance onto the travelled portion of the highway.

4.7.3 In the event that Township forces are required to perform maintenance to an entranceway, the Township will only replace the surface with gravel or hot mix asphalt, as appropriate. The Township will not install concrete, bricks, etc. If the applicant wishes to reinstall concrete or bricks, etc. the Township will pay (after installation) the equivalent of the cost of paving. Maintenance activities may include, and are not limited to, culvert replacement or construction activities on Township highways.

4.7.4 Property owners are responsible for the full replacement of culverts and repaving of any entrance as they deteriorate or become damaged.

4.8 Culvert

4.8.1 If a culvert is required, the culvert shall be new steel corrugated pipe or approved equivalent. Used culvert pipe is not acceptable.

4.9 Temporary/Emergency/Public Entrance

4.9.1 The design and construction of temporary/emergency and public entrances must be submitted to and approved by the Township and an access permit issued prior to work commencing on the entrance within the limits of the road allowance of a Township road or any works related to said entrance.

4.10 Number and Width of Accesses

4.10.1 It will be the policy of the Municipal Engineer and Technical Services Department to:

- a) Limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- b) Limit the number of accesses to a property to the number required for the safe and reasonable access to the Township road and in general conformity with the following:

Residences – one per property

Farm Buildings – one per farm

Field Entrance - Minimum one field entrance per farm with additional field entrances where natural obstructions within the field prevent reasonable access across the field.

Commercial/Industrial/Institutional – Maximum of two with a minimum spacing of 30 metres between entrances and/or as specified in a site plan agreement.

4.10.2 Field Entrances – At Grade

- 4.10.2.1 In certain circumstances, agricultural fields are at grade with a Township highway, providing multiple points of access to a field. Access to any field within the Township must be done from a municipally accepted and approved entrance way. Failure to comply will

result in a fine as per Schedule A of this By-law.

5.0 PERMIT FEE

5.1 A permit fee in the following amount shall be collected prior to the issuance of a permit. All engineering and legal costs incurred by the Township is the sole responsibility of the applicant/owner. The Township reserves the right to enter into agreements in regard to the installation of an entrance (as permitted).

Classification of Entrance	Permit Fee
Field, Farm, Residential, Temporary, Re-Classification, Alteration	\$100.00
Commercial, Industrial, Institutional	\$250.00
Public, Private, Emergency Road	\$500.00

5.2 Installation of the Entrance

5.2.1 The entrance shall be installed by the applicant, at the applicant's expense, to the specifications outlined on the permit and in accordance with the Township Standards. In the event an installation does not meet the Township's standard and the applicant refuses to make the necessary repairs, the Township reserves the right to remove the improper entrance at the applicant's expense. Failure to pay will result in the costs being added to the tax roll of the subject property.

5.2.2 No entrance will be installed between December 1st and April 15th unless a specific exemption to this clause is issued by the Public Works Superintendent or the Municipal Engineer, or their designate.

5.3 Inspection of the Entrance

5.3.1 The installation of the entrance will be inspected by the Public Works Superintendent or the Municipal Engineer (as appropriate). It shall be the applicant's responsibility to call the Township for an inspection of the entrance installation once it has been completed.

5.4 Cancellation of Permit

5.4.1 Where the entrance has not been constructed and accepted by the Township within one year of the date of the permit, then the permit shall be cancelled. If the applicant decided to withdraw their entrance application, 50% of the fee may be refunded.

5.5 Renewal of Permit

5.5.1 An entrance permit may be renewed for an additional six month period. An application shall be filled out for the renewal and another application fee paid to the Township. A second permit will be issued. Any outstanding fees owed to the municipality shall be paid prior to the issuance of the renewal permit.

5.6 Failure to obtain a Permit

5.6.1 In the event that a property owner fails to obtain an entrance permit, the Township will require that the applicant remove the entrance at their own expense. A fine, as per Schedule A, will be issued.

6.0 Severability

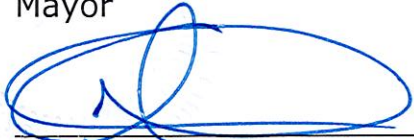
- 6.1 It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this by-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED in open Council, signed and sealed this 9th day of May, 2017.



Dennis Fife

Mayor



Marc Chénier

Chief Administrative Officer/Clerk

Schedule A – Penalties and Fines

Action	Fine
Failure to obtain a Permit	\$250.00
Failure to use designated entrance	\$250.00

Note: Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act R.S.O. 1990, c. P. 33*.

Note: The general penalty provision for the offences listed above is Section 5.6 of By-law No. 34-2017, a certified copy of which has been filed.