THE CORPORATION OF THE TOWNSHIP OF BURPEE AND MILLS

By-law No 03 - 2017

Being a By-law to Permit Construction of Entrances to Public Highways and Road Allowances under Jurisdiction of the Municipality

WHEREAS Part III Section 35 of the Municipal Act S.O 2001 authorizes the Council of the Municipality to pass By-laws that regulate access to the highway by an owner of land abutting a highway or Municipal right-of-way.

THEREFORE the Council of the Township of Burpee and Mills enact as follows:

1. That we adopt a By-law to permit construction or alteration of entrance ways to municipal highways and road right-of-ways.
2. No entrance or access to a Municipal road or right-of-way may be constructed or altered without a permit issued by the Township of Burpee and Mills
3. An entrance way, for the purpose of this By-law, is any driveway, laneway, private road or roadway constructed to be used as a means of access to a Municipal right-of-way and includes the covering of any roadside ditch for the purpose of improving the frontage.
4. An entrance permit may be subject to specific conditions as noted on the permit. The permit may be revoked if the conditions are not complied with during construction and maintenance of the entrance.
5. A permit for temporary access to a Municipal right-of-way allowing limited access for a period of up to six months may be issued, subject to specific conditions noted on the permit.
6. No material or equipment may be stored on the right-of-way and the site shall be restored to an acceptable condition prior to expiry of the temporary access permit.
7. Any entrance constructed without a permit, not in compliance with the permit, or not rehabilitated prior to expiry of a temporary access permit, may be restored to its previous condition by the Municipality and the costs thereof charged to the owner of the abutting land.
8. Other than normal maintenance, any alteration to an existing entrance located on a Municipal right-of-way shall require a permit.
9. That we adopt a Policy for the application and permit to construct or alter entrance ways to Municipal highways and road right-of-ways as provided in Schedule A of this By-law.

**Read** a **first and** **second** time this \_6\_\_\_ day of February 2017.

**Read** a **third and final** time this \_\_6\_\_ day of February 2017.

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Reeve, Ken Noland

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Clerk/Treasurer; Bonnie Bailey

Schedule A

Policy for the application and permit to construct or alter entrance ways to Municipal highways and road right-of-ways

1. No permit may be authorized by the Road Superintendent (RS) until an application has been received and the required fee and/or refundable deposit has been paid to the Municipal Office.
2. A permit may be issued only to the owner (or authorized agent) of the land whose property is being accessed.
3. The proposed entrance site shall be inspected by the RS prior to issuance of the permit to confirm the location and proposed design of the entrance. The entrance to a municipal road must be designed and located to ensure that safety of vehicles and pedestrians using the road are not compromised.
4. The RS may prescribe conditions regarding angle of access, grade to the municipal road, removal of obstructions to visibility, or other such design features to enhance future safety at the location. The requirements will normally be similar to those applied by the Ministry of Transport for access locations to Highway 540 in our Municipality.
5. Construction shall ensure that flow of water along or across the municipal right-of-way is not obstructed or reduced in any way.
6. Installation of a culvert parallel to the municipal road will normally be required during construction, in the proposed design where a culvert is not required by the RS, that exception shall be noted on the permit and approved by Council.
7. Culvert lengths and diameters shall be consistent with the proposed use of entrance and the following standards are recommended:
   1. Normal maintenance of the part of the entrance lying on the right-of-way, including hard topping, will be the responsibility of the land owner. Repair of damage to the existing road surface with may be created during construction or maintenance of the entrance shall be the responsibility of the property owner.
   2. The Municipality will maintain or replace entrance culverts located on the right-of-way during future road improvement projects. Every reasonable effort will be made to return the grade of the entrance to a level compatible with the new road surface.
   3. Where a permit for a temporary entrance is requested, the RS may require the application to post a refundable deposit to ensure removal of the access is completed. He may also approve a shorter culvert or other modifications of the normal design requirements. The deposit will be refunded on completion of the remediation of the site to the satisfaction of RS.
   4. Sketch of the project is required to show:
      1. Location relative to Municipal road.
      2. Distance to owners property lines.
      3. Proposed width of the entrance
      4. Location and length of culvert
   5. Application for an Entrance Permit
      1. Name of Property Owner
      2. Mailing Address
      3. Telephone
      4. Location to be accessed. Township Lot, Concession
      5. Type of Entrance. Residential Agricultural Woodlot Commercial Permanent Seasonal Temporary
      6. Name of roadway or right-of-way to be accessed
      7. Signature of Property owner
      8. Date of Application
   6. Application must be accompanied by a sketch showing distances to property boundaries, road design, width, angle of the proposed access, obstructions to visibility and any other applicable information.
   7. Fee paid
   8. Site inspection
   9. Permit approved.