

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW 2004-40

BEING A BY-LAW TO REGULATE THE CONSTRUCTION OR ALTERATION OF ANY ENTRANCEWAY, PRIVATE ROAD OR ACCESS TO A HIGHWAY

WHEREAS Section 11(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction including but not limited to highways;

AND WHEREAS the Council of the Corporation of the Municipality of West Elgin deems it expedient to control entranceways onto municipal highways and provide for the issuing of permits related thereto;

NOW THEREFORE the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. THAT in this by-law;
 - (a) "Council" shall mean the Council of the Corporation of the Municipality of West Elgin;
 - (b) "Municipal road" shall mean all highways under the jurisdiction of the Corporation of the Municipality of West Elgin
2. THAT no person shall construct or alter or cause to be constructed or altered any private road, or other structure or facility that permits access to any Municipal road, unless such access has been approved by an authorized officer as evidence by the issuance of an access permit.
3. THAT no person shall make or permit any change of use of any private road, entranceway, gate or other structure or facility that permits access to any Municipal road, unless such access has been approved by an authorized officer as evidence by the issuance of an access permit.
4. THAT an access permit may be issued by the Municipality of West Elgin Road Superintendent or designate in accordance with the standards, policies as set out in Schedule "A" and "B" of this by-law.
5. THAT fees for access permit shall be in accordance with the Fees and Charges By-law – Roads as amended from time to time.
6. THAT in the case of severance applications, if the access cannot be constructed due to weather or other reasons, a deposit will be accepted. This deposit will fulfil the Municipality's condition regarding entrance to the severed lot.
7. THAT any such access constructed, altered, or the use of which has been changed, under the provision of this by-law shall conform to the standards and principles set out in

Schedule "A" and "B" of this by-law and shall further comply with all terms and conditions attached to any access permit issued thereunder.

8. THAT all costs associated with an access permit and construction of the entrance access in accordance with the terms of the permit shall be the responsibility of the applicant.
9. THAT the access permits shall be in the form set out in Schedule "B" attached hereto and forming part of this by-law and that the permit, where necessary, shall include the terms and conditions for the construction of the said entrance or access as required by the authorized officer issuing the said permit.
10. THAT every person who contravenes any provision of this by-law shall upon conviction be liable to payment of a fine, as set out in Schedule "B", exclusive of costs and every such penalty shall be recoverable under the provisions of the Provincial Offences Act as amended from time to time.
11. THAT the Municipality of West Elgin Road Superintendent be authorized to remove any unauthorized access from the Municipal road allowance.
12. THAT every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties set out in the Provincial Offences Act.
13. THAT any by-laws or parts of by-laws for the former Township of Aldborough and the former Villages of West Lorne and Rodney inconsistent with this by-law are hereby repealed
14. THAT this by-law shall come into force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED ON THE 8TH DAY OF JULY, 2004.

"Graham Warwick"
MAYOR

"Norma I Bryant"
CLERK

BY-LAW 2004-40

SCHEDULE 'A'

ENTRANCE PERMIT POLICY

ENTRANCE CRITERIA

1. The Municipal Road Superintendent shall consider the following criteria when reviewing all applications for new entrances or alterations to entrances.
 - (a) Protection of the public through the orderly control of traffic movements onto and from Municipal roads
 - (b) Maintenance of the traffic carrying capacity of the Municipal road network
 - (c) Protection of the public investment in Municipal road facilities
 - (d) Minimizing municipal expenditures on maintenance of private entranceways
 - (e) Providing legal access onto Municipal roads from adjacent property.

DEFINITIONS

2. Field entrance - provides access to agricultural fields
3. Farm entrance - provides access to farm buildings and agricultural lands
4. Residential entrance – provides access to residential facilities of four units or less
5. Commercial/Industrial entrance – provides access to a development where goods are manufactured or sold to the public and includes residential facilities of five or more
6. Temporary entrance – provides access to property for a limited period not to exceed one year for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.

LOCATION OF ACCESSES

7. The municipality may restrict the placement of an access onto a Municipal road in the interest of public safety. New accesses must be located so as to provide:
 - (a) No undue interference with the safe movement of public traffic, pedestrians, or other users of the highway
 - (b) Favourable vision, grade and alignment conditions for all traffic using the proposed access to the municipal road.
8. 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 intersection or railway crossings
 - (c) Where the following minimum sight distance requirements are not met:

<u>Speed Limit</u>	<u>Minimum Sight Distance</u>
50 km / hr	135 metres
60 km / hr	165 metres
70 km / hr	180 metres
80 km / hr	200 metres
90 km / hr	210 metres

- (d) Sight distance shall be measured from an eye height of 1.05 metres measure 3.0 metres from outer edge of traffic land to passenger car lights designated as 0.6 metres above the roadway surface.

DESIGN STANDARDS

- 9. Field and Farm Entrance shall be surfaced with at least 150 mm (6") pit run gravel (Granular 'B') and where a culvert is required its length must be sufficient to provide a 2:1 slope up from the ditch invert to a top width of 10.0 metres.
- 10. Residential Entrance shall be surfaces with at least 150 mm (6") crushed granular (Granular 'A') and where a culvert is required its length must be sufficient to prove a 2:1 slope up from the ditch invert to a top width of 6.0 metres.

NUMBER AND WIDTH OF ACCESSES

- 11. It will be the policy of the Municipal Road Department to limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- 12. the number of accesses to a property shall be limited to the number required for the safe and reasonable access to the municipal road and in general conformity with the following:
 - (a) Residences one per property
 - (b) Farm entrance one per farm
 - (c) Field entrance minimum one field entrance per farm with additional field entrance where natural obstructions within the field prevent reasonable access across the field



The Municipality of West Elgin

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ROAD OCCUPANCY PERMIT/ENTRANCE PERMIT

SECTION 1 - GENERAL INFORMATION

DATE OF APPLICATION _____

APPLICANT _____ CONTACT PERSON _____

APPLICANT'S MAILING ADDRESS _____

POSTAL CODE _____

APPLICANT'S TELEPHONE _____ FAX _____

CONTRACTOR _____ CONTACT PERSON _____

CONTRACTOR'S ADDRESS _____

CONTRACTOR'S TELEPHONE _____ FAX _____

SECTION 2 - LOCATION AND DESCRIPTION OF WORK

CIVIC ADDRESS AND ROAD NAME _____

MUNICIPALITY _____ LOT _____ CONCESSION _____

DOES THIS PERTAIN TO A SEVERANCE _____ SEVERANCE APPLICATION NO. _____

DESCRIPTION OF WORK _____

SIDE OF ROAD (CIRCLE ONE) NORTH / SOUTH / EAST / WEST DISTANCE FROM ROAD CENTRELINE _____

PROPOSED START DATE _____ ESTIMATED COMPLETION DATE _____

***NOTE:** A PLAN/SKETCH SHOWING THE LOCATION OF THE ABOVE DESCRIBED WORK AND/OR SERVICE MUST ACCOMPANY THIS APPLICATION. ALL RELEVANT MEASUREMENTS AND DEPTH OF WORK WILL BE SHOWN.

IF THIS PERMIT IS FOR THE PURPOSE OF CONSTRUCTING OR ALTERING AN ENTRANCE PLEASE DEFINE THE AREA SO THAT THE EXACT LOCATION MAY BE INSPECTED. (i.e. stakes at property line, paint on fence, etc.)

PERMIT FEE: _____

ENTRANCE DEPOSIT: _____ (REFUNDABLE)

WORK UNDER ROADWAY DEPOSIT: _____ (REFUNDABLE)

*Please Note: PERMIT FEE IS WAIVED FOR:
Upper Tier Municipalities, Utility
Companies Exempt per Legislation and
for the Purpose of Municipal Drains.*

I have read, understand and agree to the conditions set forth on this application and assume all cost incurred by the Municipality of West Elgin, liability for all damages which may be incurred and to indemnify and hold harmless the Municipality of West Elgin from any actions, claims, suits or demands made against the Municipality of West Elgin by any person arising out of the issuance of this permit. (REFER TO CONDITIONS ON REVERSE)

Signature of Applicant

Date Signed

SECTION 3 - SPECIAL CONDITIONS AND APPROVAL [OFFICE USE ONLY]

FEE PAID \$ _____ ENTRANCE DEPOSIT \$ _____ WORK UNDER ROADWAY DEPOSIT \$ _____

PROOF OF LIABILITY INSURANCE: YES___ NO___ AMOUNT OF COVERAGE: \$_____

REQUIREMENTS FOR THE ENTRANCE (refer to CONDITIONS FOR ENTRANCEWAYS on reverse for other requirements):

LENGTH OF PIPE _____m DIAMETER OF PIPE _____m

TOP WIDTH _____m SURFACE TYPE _____

SPECIAL CONDITIONS _____

Signature of Approval _____

Date Approved _____

FINAL INSPECTION NOTES: _____

GENERAL CONDITIONS

1. Permits will be honored for a period of one year from date of approval. When conditions or unforeseen difficulties require a longer period of completion than is indicated on the permit, the Applicant shall notify the Municipality of the additional time required and the reason thereof. **It is the responsibility of the Applicant to notify the Municipality when the work is complete and ready for final inspection.** If a final inspection has not been requested by the Applicant, and one year's time has passed from the date of approval, the Permit Fee and Bond will be forfeited to the Municipality. If a final inspection has been requested and the work has been completed but not to the satisfaction of the Municipality under the conditions of this application, the Municipality may elect to finish or restore the works with the Applicant's bond without any prior notice.
2. Under any permit application the Municipality may elect to exceed the minimum requirements and conditions as specified in this document. The Municipality may request additional: insurance coverage, restoration, amount of cash bond, or any other work deemed necessary to accommodate the application.
3. Paved roads will not be closed. A minimum of one driving lane will always be open to traffic. All excavations within 4 metres of any driving lane will be backfilled at each day's end. The Applicant shall maintain pedestrian access and vehicular access to all public and private properties.
4. Paved roads will not be open cut without express written permission, therefore all paved road crossings shall be bored or directionally drilled. All plant being located under the road surface shall be placed at a minimum of 1.2 metres under the road surface (that is 1.2 metres under the elevation of the shoulder rounding). If written permission has been granted to open excavate a road, specific restoration methods will be specified and a cash bond in the amount of the cost of restoration shall be submitted and retained to up to 12 months after the completion of the specified works.
5. If, to carry out the work, it is necessary to alter, break or disturb any existing pavement, sidewalk, or curb and gutter, the Applicant will be responsible for temporarily and permanently restoring the site to its original condition. Material specifications shall be determined by the Municipality of West Elgin's Road Superintendent. If weather dictates the permanent restoration cannot be accomplished, the Applicant shall temporarily repair any disturbed asphalt or concrete surfaces with a fifty (50) millimeter thickness of asphalt. Temporary and/or final repairs shall be to the satisfaction of the Municipality of West Elgin, at the expense of the Applicant.
6. When required, a security deposit shall be given to the Municipality representing 100% of the cost to perform the necessary restoration. The Municipality shall set this deposit amount. The Applicant will be responsible for any temporary and/or final restoration costs. The restoration shall be completed as per the direction of the Municipality. Upon completion of the final restoration the site will be inspected by the Municipality of West Elgin staff and if satisfied (interim acceptance) the security deposit will be returned within a 12 month period from the date of final inspection.
7. All barricades, signs and signals required to direct or guide the motorist and/or pedestrian shall be erected and maintained by the Applicant in accordance with the "Ontario Traffic Manual, Book 7 – Temporary Conditions", most current edition. All detour signing and materials, when required shall be supplied, erected and maintained by the contractor at the expense of the Applicant.
8. It is the responsibility of the Applicant not to damage any existing plant, survey markers of infrastructure including drainage works and utilities (both aerial and underground facilities). The Applicant will assume all costs and liabilities from such damage. Utility locates are the responsibility of the Applicant and this document will release the Municipality of West Elgin from all claims arising from the damage or alteration of any plant or facility. The Applicant may be subject to additional conditions imposed by the utility provider if the proposed work

interferes in any way with that utility. It is the applicant's responsibility to ensure that any work does not conflict with their requirements (such as maintaining vertical clearance from aerial facilities and cover over underground services).

9. Excavated material shall not be piled in such a manner as to obstruct vehicular and/or pedestrian traffic at a minimum of four (4) meters from edge of pavement. All construction equipment and vehicles shall also maintain this "clear zone" when not in use.
10. Every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties set out in the Provincial Offences Act.
11. For fees relating to permit refer to "Fees and Charges By-Law – Roads".

CONDITIONS FOR ENTRANCEWAYS

1. All costs associated with this permit and construction of the entrance in accordance with the terms of the permit will be the responsibility of the Applicant. A refundable deposit is submitted along with this application's fee. The deposit shall be refunded to the Applicant upon acceptance of the entranceway by the Municipality of West Elgin less any amounts expended to satisfy the conditions of this permit that were not met. A **typical rural private entrance will require a deposit**. The Municipality will set an appropriate deposit amount to cover the costs of materials and labour to complete the work to the requirements of this permit.
2. The Municipality may restrict the placement of an access onto a Municipal Road in the interest of public safety. It is the Municipality of West Elgin's final decision in this determination. Influencing factors include: sight lines, stopping distance, traffic patterns, roadway design, drainage, proximity to intersections/railroads/structures, etc.
3. General Design Standards to be met under this application are as follows:
 - a) Finished grade of the entrance must fall away from the edge of driving lane with a slope of no less than 2%.
 - b) Backfill to be comprised of granular "B" gravel material.
 - c) Culvert pipe lengths shall be long enough to produce a minimum 2 : 1 slope from the ditch invert to the surface of the entrance. Open end culvert pipes shall be a minimum 375mm diameter. If a catch basin inlet is required under the special conditions, a diameter of pipe will be specified.
 - d) Material for pipe culverts shall be high density polyethylene plastic storm sewer pipe manufactured by a CSA approved agent.
 - c) Residential Entrances shall be surfaced with at least 150mm of Granular 'A' and have a top width of 6 metres.
 - d) Field/Farm entrances may be comprised of "B" gravel with a top width of 10 metres. Granular "A" gravel not required.
 - e) Commercial/industrial to be determined by Road Superintendent.
4. Property owners having access to a municipal road are fully responsible for the maintenance of the entranceway including removal of snow and ice and keeping the portion of the entrance within the Road in a safe condition for vehicular traffic. A culvert installed under the terms of this permit shall become the property of the Municipality and all subsequent maintenance, repairs, alterations, etc. shall be the responsibility of the Municipality, except where the culvert crosses a Municipal Drain and provisions of the Drainage Act take precedence and maintenance becomes the Municipality's responsibility.
5. Curb and gutter, asphalt, sidewalks, drainage systems, erosion protection and/or other work may be specified by the Municipality to be installed by the Applicant at the Applicant's expense in circumstances where existing conditions warrant continuity to existing features or require special attention.