

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 11-003

A By-law to regulate the installation of entrance ways.

WHEREAS the Municipal Act 2001, Section 272 provides that a by-law passed in good faith under any Act shall not be quashed or open to review in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the by-law;

AND WHEREAS the Municipal Act 2001, Section 11(3) states that a lower-tier or upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction which includes Highways as a sphere.

AND WHEREAS it is deemed expedient to regulate and control access ways over Township property which is part of the Township road system.

THEREFORE the Council of the Corporation of Tay Valley Township hereby enacts as follows:

1. Definitions:

- a. "Road Department Official" shall mean the Public Works Superintendent or an area supervisor of Tay Valley Township.
- b. "Superintendent" shall mean the Public Works Superintendent of Tay Valley Township.

2. General Rules:

- a. All persons requiring access to their property from a Township road, shall obtain written permission from the Superintendent through application of an Entrance Permit.
- b. All persons requiring access to their property will be required to pay an inspection fee of \$80.00. This fee will be referred to as an entrance fee and no work shall commence until the fee is paid. Only one entrance per residential lot shall be permitted.
- c. At the time of application for an entrance way, the applicant must apply for a property identification number if one has not previously been assigned.
- d. The location of an entrance must be approved by a Road Department Official and shall have regard to visibility along the Township and the topography of the area. A roads department official shall determine if a culvert is required. Where the minimum required sight distances cannot be met without the removal of brush, rock cuts or other obstructions, the applicant may request permission to remove the obstructions, at no cost to the Township. A contractor retained by the owner will normally accomplish such removals.

- e. Where an application for consent has been made under the Planning Act, a Roads Department Official shall examine the proposed entrances for both the newly created lot and the retained lot. If in his/her opinion, a satisfactory entrance cannot be attained, the Council shall withhold their recommendation for approval of the application for consent.
- f. The location of the proposed entrance shall be properly marked by the owner prior to inspection with a placard provided to the landowner by the Township.
- g. No work shall commence until the owner has received a location approval. The property owner shall be responsible for the construction of the entrance and any works associated with it, including the necessary traffic safety measures during construction. The owner may engage a contractor to complete the work. The entrance way must be installed to a Road Department Official's satisfaction and all final approvals are subject to the approval of the Superintendent.
- h. If, in the opinion of a Road Department Official, the proposed entrance requires a culvert, the size of culvert shall be determined by the Township and shall be installed as follows: For a single entrance, the culvert shall not be less than 7m in length and when a common entrance is deemed necessary, the length of the culvert must be a minimum of 14m to provide an equal amount of access to both adjoining lots. The culvert shall be made of corrugated metal or of an approved type. The culvert must be new. When a culvert in excess of 12 metres in length is required, the applicant shall be required to pay the entire cost of construction of as many catch basins, inlet or outlet structures as may be necessary, in the opinion of the Superintendent, to facilitate surface drainage from or along the side of the roadway. The culvert used shall be subject to a Road Department Official's approval.
- i. Any alterations to an entrance, including tiling and covering of a roadside ditch for landscaping or for any other purpose, shall not be undertaken without permission from the Superintendent. Residents having access to a Township road are fully responsible for the maintenance of the entrance to their property. Maintenance includes but is not limited to the removal of snow and ice, shoulder gravel and winter sand. During the winter the Township will not clear entrance culverts that have become blocked as a result of improper snow disposal by the resident. The property owner at their own expense is required to replace culverts that collapse, deteriorate or become unsuitable for proper drainage. The Township will reinstate existing entrances that are affected by the reconstruction/rehabilitation of a Township road. Any construction materials that are salvaged shall remain the property of the Township.
- j. If any entrance whether governed by previous or current by-laws is obstructing a ditch or water course on a Township road, the owner shall make the necessary improvements. The property owner shall be responsible for the improvements and any associated costs.

- k. If the owner does not comply with the provisions of the entrance way by-law, the Township shall reconstruct or replace the entrance way and the expense incurred in so doing shall be recovered from the owner by appropriate action.
- l. Entrance applications will be approved on a weather permitting basis as winter conditions make site inspections impossible.

3. Short Title:

This by-law may also be referred to as the "Entrance By-law".

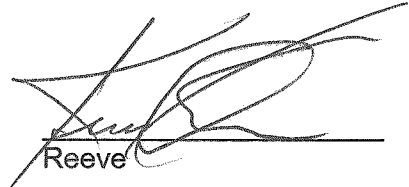
4. Repeal:

That By-law No. 04-81 is hereby rescinded.

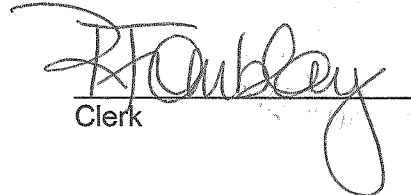
5. Enactment:

The provisions of this by-law shall come into force and take effect upon the passing thereof.

Read and passed this 11th day of January, 2011.



Reeve



Clerk