

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2018-70

BEING A BY-LAW TO REGULATE THE CONSTRUCTION OF DRIVEWAY
ENTRANCES UPON THE HIGHWAYS UNDER THE JURISDICTION OF THE
CORPORATION OF THE TOWNSHIP OF SEVERN

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 8., confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11., provides that a municipality may pass By-laws respecting drainage and flood control;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 27.(1), provides that a municipality may pass By-laws in respect of a highway over which it has jurisdiction;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 96., provides that a municipality may exercise its powers for the purpose of preventing damage to property as a result of flooding;

AND WHEREAS it is deemed expedient to regulate and permit the construction, alteration, change in and maintenance of driveway Entrances that permit access to a Township road under the jurisdiction of the Township;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

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| "Access Impact Study" | means a study undertaken by a profession engineer that assesses, to the satisfaction of the Director, the Effect that a proposed Entrance will have on the road network and public safety. |
| "Applicant" | means a person being the Owner of a lot or his/her authorized agent applying for an Entrance Permit. |
| "Council" | means the Council of the Corporation of the Township of Severn. |
| "Director" | means the Director of Public Works of the Township of Severn or designated representative. |
| "Entrance" | means that part of a Highway which is used to gain access to private property. |

- "Highway"** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- "Owner"** means the assessed Owner(s) as identified on the Assessment Roll for Taxation Purposes during the current year, as amended.
- "Township"** means the Corporation of the Township of Severn.

2. GENERAL PROVISIONS

- 2.1 No person shall establish, construct, repair, alter, relocate or use an Entrance upon a Highway under the jurisdiction of the Township except under authority of an Entrance Permit.
- 2.2 Every person seeking to conduct the following activities shall be required to obtain an Entrance Permit:
- (a) construct a new Entrance;
 - (b) change the location of an existing Entrance;
 - (c) change the design and/or width of an existing Entrance;
 - (d) change a temporary Entrance to a permanent Entrance;
 - (e) change the use of the land into which the Entrance provides access;
 - (f) construct a headwall or decorative structure to an Entrance; and
 - (g) apply asphalt, concrete or any other road surfacing material to an Entrance.

3. ENTRANCES

- 3.1 All legally existing Entrance(s) to each lot of record at the time of passage of this By-law will be permitted.
- 3.2 For Field Entrances, one Entrance to each agricultural field will be permitted.
- 3.3 For Residential Entrances, one Entrance is permitted along the frontage of lots having a frontage of less than 36 metres.
- 3.4 No Entrances are permitted so as to provide access to the exterior flankage of a corner lot unless the flankage of the property is more than 100 metres.
- 3.5 No Entrances are permitted so as to provide access to rear of a through lot unless the frontage of the lot is greater than 40 metres and the flankage is greater than 100 metres.

4. ISSUANCE OF PERMITS

- 4.1 Every person seeking to establish, construct, repair, alter or relocate an Entrance upon a Highway under the jurisdiction of the Township shall complete and submit an application to the Township, not less than ten (10) working days in advance of the Work.

- 4.2 The Director may issue an Entrance Permit to an Applicant having regard to the location, width and proposed use of the Entrance, sight distance along the road and location of trees and public utility services upon payment of the applicable fee set out in the Township's Fees and Charges By-law.
- 4.3 All new installations, repairs, replacements, extensions, relocations and maintenance of Entrances shall be in conformity to the Township's Engineering Design Criteria and Zoning By-Law.
- 4.3 The Director may require the Applicant to submit an Access Impact Study and/or any other information or documentation that the Director deems necessary as part of the application.
- 4.4 Notwithstanding Section 4.2, all Entrances in plans of subdivision where a subdivision agreement is registered on title and the said agreement has provision for the installation of Entrances, such provisions as established by the agreement shall prevail.
- 4.5 Property under site-plan control will require site-plan approval prior to Entrance Permit application.
- 4.6 Issuance of an Entrance Permit does not relieve any person from the necessity of acquiring any other license or permit or complying with any other license or permit or complying with any other applicable laws, By-laws, regulations and requirements of the Township or other authorities having jurisdiction and does not guarantee the issuance of a building permit by the Township.

5. ROAD OCCUPANCY

- 5.1 This By-law shall be read in conjunction with the Township's Road Occupancy By-law. No person shall perform any Work associated with an Entrance Permit without first obtaining a Road Occupancy Permit.
- 5.2 Should the Work associated with an Entrance Permit be damaged during the construction of any dwelling, building or structure on the lot being accessed, the Work shall be repaired by; and at the expense of the Applicant. Additional Entrance Permit and inspection will be required.
- 5.2 The Director may require the Applicant to provide a refundable deposit and/or security for possible damage to municipal property or equipment, possible damage to adjacent private property, clean-up costs, and all other obligations of the Applicant under this By-law and Entrance Permit and/or in accordance with the Township's Road Occupancy By-law.
- 5.3 A copy of the Entrance Permit must be on-site at all times during the Work.

6. OBSTRUCTIONS PROHIBITED

- 6.1 No person shall tile or enclose a drain, ditch or watercourse situated on any Highway under the jurisdiction of the Township, except under authority of and in accordance with the conditions of an Entrance Permit.
- 6.2 No person shall obstruct any drain, ditch or watercourse situated on any Highway under the jurisdiction of the Township.
- 6.3 No person shall install plantings or place any structures within a drain, ditch or watercourse situated on any Highway under the jurisdiction of the Township.

6.4 Notwithstanding Section 6.3, rural mailboxes may be installed in accordance with current Canada Post Rural Mailbox Guidelines, applicable Township By-laws and provincial/federal regulations.

7. MAINTENANCE OF ENTRANCES

7.1 Nothing in this By-law shall be construed as placing an obligation upon the Township for maintenance of the driven surface of an entrance constructed pursuant to a permit issued by the Director.

7.2 Notwithstanding the provisions of Section 7.1 of this By-law, the Director is hereby authorized and directed to maintain and replace any culvert installed pursuant to this By-law, including the replacement of pre-existing hot mix pavement upon the Entrance.

8. PENALTY

Every person who contravenes Sections 2, 4 or 5 of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*.

9. SHORT TITLE

This By-law may be cited as the "Entrance Permit By-law".

10. SEVERABILITY

Every provision of this By-law is declared to be severable from the remainder of the By-law, and if any provision of this By-law shall be declared invalid by a Court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

11. FORCE AND EFFECT OF THIS BY-LAW

This By-law shall come into force and effect on the date of passing thereof.

12. REPEAL

That the By-law No. 2018-44 be and it is hereby repealed.

By-law read a first and second time this 28th day of November, 2018.

By-law read a third time and finally passed this 28th day of November, 2018.

CORPORATION OF THE TOWNSHIP OF SEVERN


MAYOR


CLERK