

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2007-48

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 provide for the regulation of the size and mode of construction of culverts that cross any drain or watercourse situated on a highway;

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

1. DEFINITIONS

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| "Applicant" | means a person being the owners of a lot or his or her authorized agent applying for an Entrance Permit. |
| "Council" | means the Council of the Corporation of the Township of Severn. |
| "Director of Public Works" | means the Director of Public Works of the Township of Severn or his designated representative. |
| "Entrance" | means that part of a highway which is used to gain access to private property. |

- "Boulevards"** means any part of a highway where grass is grown or which is not intended for use of vehicles, which is located either between the curb or outside edge of the shoulder or roadway inclusive of the area covered by a sidewalk or footpath or a centre portion of a highway not intended for vehicular traffic.
- "Street Line"** means the line dividing a private lot and the road allowance.
- "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.
- "Structure"** means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and used for the shelter or accommodation of person, animals or goods.
- "Township"** means the Corporation of the Township of Severn.

2. ENTRANCE PERMITS

- 2.1 No person shall construct, alter, relocate or use an entrance upon a highway under the jurisdiction of the Township except under authority of an Entrance Permit.
- 2.2 No person shall:
- (a) change a temporary entrance to a permanent entrance,
 - (b) create a structure on Township land, or
 - (c) apply asphalt, concrete or any other road surfacing material to an entrance without first having obtained an Entrance Permit.

3. ISSUANCE OF PERMITS

The Director of Public Works or the Council 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 Schedule "A" attached hereto and forming part of this By-law.

4. CONSTRUCTION OF ENTRANCE

No person shall perform any works upon a highway without the prior consent of the Council or the Director of Public Works.

5. OBSTRUCTIONS PROHIBITED

- 5.1 No person shall tile or cover a boulevard, except under authority of and in accordance with the conditions of an Entrance Permit.
- 5.2 No person shall obstruct any drain, ditch or watercourse situated on any highway under the jurisdiction of the Township.

6. MAINTENANCE OF ENTRANCES

6.1 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 of Public Works.

6.2 Notwithstanding the provisions of Section 6.1 of this By-law, the Director of Public Works 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.

7. 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*.

8. SHORT TITLE

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

9. 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.

10. FORCE AND EFFECT OF THIS BY-LAW

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

11. REPEAL

That the By-law No. 2005-137 be and it is hereby repealed.

By-law read a first and second time this 5th day of April, 2007.

By-law read a third time and finally passed this 5th day of April, 2007.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK-TREASURER

SCHEDULE "A" TO BY-LAW NO. 2007-48

<u>Description</u>	<u>Fee</u>
1. Driveway Entrance Permit Inspection - No Work Required	\$50.00
2. Driveway Entrance Gravel Only (no culvert required)	\$350.00
3. 400mm x 6 m (15")	\$1,100.00 plus \$75/m in excess of 6m length (min. 3m)
4. 450mm x 6m (18")	\$1,150.00 plus \$85/m in excess of 6m length (min. 3m)
5. 600mm x 6m (24")	\$1,250.00 plus \$100/m excess of 6m length (min. 3m)
6. 800mm x 6m (30")	\$1,400 plus \$105/m in excess of 6m length (min. 3m)
7. Driveway Extension 400mm (15") 450mm (18") 600mm (24") 900mm (36")	\$300.00 PLUS \$ 75/m (min. 3m) \$ 85/m (min. 3m) \$100/m (min. 3m) \$117/m (min. 3m)
8. Entrance other than as described ** See Notes 1 & 2	Cost of construction and materials
9. Driveway Relocation	\$600.00
10. Temporary Entrance (by Township) (by others)	\$500.00 \$500.00 (\$400.00 refundable)
11. Driveway by Others – Inspection	\$100.00
12. Curb Cut	\$1,000.00

**** NOTES**

1. As estimated by the Director of Public Works of the Corporation of the Township of Severn.
2. Required in the opinion of the Director of Public Works of the Corporation of the Township of Severn.