

BY-LAW NO. 17-055

OF

THE CORPORATION OF THE TOWNSHIP OF TINY

Being a By-Law to regulate the construction, alteration or change in the use of any private or public entranceway, gate or, other structure or facility that permits access to a Township of Tiny Highway, Township Road or Road Allowance and to Repeal By-law 96-89.

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**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended ("*Municipal Act, 2001*") provides that the Corporation of the Township of Tiny has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10(2) of the *Municipal Act, 2001*, provides that the Township of Tiny Council may pass By-Laws to regulate matters for purposes related to health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** pursuant to Section 15(1) of the *Police Services Act*, R.S.O. 1990, c.P.15 the Township of Tiny Council may appoint persons to enforce the By-Laws of the municipality;

**AND WHEREAS** Sections 27 and 35 of the *Municipal Act, 2001*, authorize the Township of Tiny Council to pass a By-Law to prohibit or regulate the construction, alteration or change in use of any entranceway, gate or other structure or facility that permits access to a Municipal Road in respect of highways in its jurisdiction or under joint jurisdiction;

**AND WHEREAS** pursuant to Section 227 of the *Municipal Act, 2001*, it is the role of the officers and employees of the Township of Tiny to establish administrative practices and procedures to implement the Township of Tiny Council's decisions;

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, authorizes the Township of Tiny Council to impose fees and charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided and for the use of its property including property under its control;

**AND WHEREAS** pursuant to Section 398 of the *Municipal Act, 2001*, fees and charges imposed by a municipality on a person constitute a debt owing to the municipality which may be collected in the same manner as municipal taxes;

**AND WHEREAS** pursuant to Section 425 of the *Municipal Act, 2001*, the Municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality is guilty of an offence;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may create offences for contraventions of By-Laws and Section 429 provides for the authority to establish fines for such offences;

**AND WHEREAS** Section 444 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is satisfied that a contravention of a By-Law passed under this Act has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** Section 445 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is satisfied that a contravention of a By-Law has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or

the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS** pursuant to Section 446 of the *Municipal Act, 2001*, a municipality is authorized to take remedial action where a person has been lawfully directed or required by the municipality to do a matter, or thing and has failed to do so and the costs of completing any matter or thing by or on behalf of the municipality to cure the default may be added to the tax roll and collected in the same manner as property taxes;

**AND WHEREAS** the Township of Tiny Council deems it necessary to repeal By-Law No.96-89 as amended and to enact a new highway entrance By-Law to regulate the construction, alteration or change in the use of any private or public entranceway, gate or other structure or facility that permits access to a Township of Tiny highway or Road Allowance over which it has jurisdiction or joint jurisdiction and to provide for the issuing of permits related thereto.

**NOW THEREFORE** be it resolved that the Council of The Corporation of the Township of Tiny enacts as follows:

### **SECTION 1 – INTERPRETATION**

#### **TITLE:**

This By-Law will be known and be cited as the Entrance By-Law.

#### **1.0 DEFINITIONS:**

For the purpose of this By-Law, the following words shall have the meaning ascribed herein:

1.1 **“Agricultural Entrance”** means an Entrance opening on to a Township Road from an active farm and which is to be used primarily for access to one or more barns, out-buildings and/or farm residence;

1.2 **“Boulevard”** means that portion of the highway, paved or unpaved between the Township property line representing the lateral limits of the highway and the travelled portion of the highway, but does not include the sidewalk;

1.3 **“Bridge”** means a public bridge forming part of a highway or, on over or across which a highway passes;

1.4 **“Commercial Entrance”** means an entrance opening on a Township Road from a retail or service business, or an industrial or institutional facility;

1.5 **“Commercial Vehicle”** means a commercial motor vehicle and a motor vehicle towing a trailer;

1.6 **“Construct”** means to do anything in the erection, installation, extension, material alteration, improvement, or repair of an Entrance;

1.7 **“Culvert”** shall mean a corrugated steel pipe (CSP) or CSA approved pipe located within a roadside ditch at an entrance in accordance with the Township of Tiny Engineering Standards.

1.8 **“Daylighting”** (also known as a Sight Triangle) shall mean the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres, measured along the street line from the point of intersection of the street lines. The distance shall be increased to a minimum of no less than 15.0 metres for Provincial Highways, County Roads and Municipal Arterial Streets. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall

be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

1.9 “**Entrance**” means an area of ingress and egress to and from a privately or publicly owned parcel of land to and from a Township Road;

1.10 “**Entrance Permit**” means a permit issued by the Public Works Department for the purpose of an “Entrance”;

1.11 “**Field Entrance**” means an Entrance opening onto a Township Road from an Agricultural field;

1.12 “**Headwall**” means an approved small retaining wall placed at the outlet of a stormwater pipe or culvert that does not extend above the surface of the roadway or shoulder within the limits of the shoulder and its rounding;

1.13 “**Highway**” includes a common and public highway, street, boulevard, court, centre, crescent, avenue, parkway, driveway, square, place, lane, 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;

1.14 “**Industrial Entrance**” means an Entrance opening onto a Township Road from an industrial facility;

1.15 “**Institutional Entrance**” means an Entrance opening onto a Township Road from an institutional facility;

1.16 “**Intersection**” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then of the lateral boundary lines or two or more highways that join one another at the angle, whether or not one highway crosses the other;

1.17 “**Minimum Sight Distance**” means the distance measured from the centre line of the entrance at a height of 1.05 metres above grade, which represents the driver’s eye level, and at an offset of 3.0 metres from the edge of the travelled portion of the Township Road. To a point on the centre of the upstream and downstream lane of the Township Road at a height of 1.05 metres, which represents the object height;

1.18 “**Multi-Unit Residential Entrance**” means an Entrance opening on to a Township Road from a multi-unit residential dwelling containing more than two separate, self-contained dwelling units and includes apartment buildings, condominiums and all other forms of multi-unit residential buildings including buildings having a mixed use regardless of the legal structure of ownership;

1.19 “**Municipality**” means The Corporation of the Township of Tiny;

1.20 “**Municipal Address Blade**” means the emergency address number assigned to each property by the Planning Department;

1.21 “**Municipal Law Enforcement Officer**” includes a person appointed pursuant to Section 15(1) of the *Police Services Act* by the Township of Tiny Council for the purpose of carrying out the enforcement of this By-Law;

1.22 “**Mutual Entrance**” means an Entrance opening onto a Township Road that provides shared access to serve separate existing lots or for two or more main buildings on one lot. Mutual Entrances shall be subject to easements and an Agreement with the Township where deemed appropriate by the Public Works Department;

1.23 “**Owner**” means the Person that is the owner of the property abutting the Township Road that is accessed by an Entrance;

1.24 “**Person**” includes the applicant, all transients, owners, tenants and occupiers of lands within the municipality and shall include any individual, association, firm, partnership, incorporated company, or Corporation and the successors, assigns, heirs, executors, administrators or other legal representatives of a person to whom the context may apply according to law;

1.25 “**Private Road**” means a private road that has access to single or multiple properties but is not owned by the Corporation or any other Public Authority;

1.26 “**Residential Entrance**” means an Entrance opening on to a Township Road from a private residence or from a Residential dwelling containing not more than two separate, self-contained dwelling units;

1.27 “**Temporary Entrance**” means an Entrance opening on to a Township Road that provides access to the property for a limited period, not to exceed six months, for the purpose of construction, repairs or improvements to that property of to facilitate a staged development;

1.28 “**Township**” means the Corporation of the Township of Tiny;

1.29 “**Township Road**” means all common and public highways, including unopened roads, road allowances or blocks of land shown as roads on Registered Plans, or any part of which is intended for of used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof within the geographical limits of the Township of Tiny over which the Township has jurisdiction;

1.30 “**Travelled Portion**” means that part of the highway over which vehicular traffic typically passes.

## **SECTION 2 – PERMITS AND ENTRANCES**

### **2.1 GENERAL CONDITIONS**

The staff of the Township of Tiny administering this By-Law shall consider the following criteria when reviewing applications for new Entrances or alterations to existing Entrances:

2.1.1 Public Safety;

2.1.2 Protection of the public through the orderly control of traffic movements onto and from Township Roads;

2.1.3 Providing legal access onto Township Roads from adjacent private or public property;

2.1.4 Required sight distance, safe grade, and alignment conditions for all traffic using the proposed Entrance;

2.1.5 Maintaining the orderly flow and safe movement of the traffic travelling on the Township Roads

2.1.6 Protection of the public investment in the Township Roads and minimizing Township of Tiny expenditures on the maintenance of private or public Entrances; and

2.1.7 Reducing future maintenance problems and reconstruction costs.

## 2.2 PERMITS REQUIRED

- 2.2.1.0 No Person Shall construct a new Entrance without a permit;
- 2.2.1.1 No Person Shall change the design of an existing Entrance without a permit;
- 2.2.1.2 No Person Shall change the location of an existing Entrance without a permit;
- 2.2.1.3 No Person Shall change the use of or classification of an existing Entrance without a permit;
- 2.2.1.4 No Person Shall pave or apply any type of surface (other than gravel) on an existing Entrance without a permit;
- 2.2.1.5 No Person Shall construct a Temporary Entrance for the use of any part of the highway, right-of-way as a means of temporary access without a permit; and,
- 2.2.1.6 An Entrance Permit must be approved prior to the issuance of a Building Permit where a new entrance or a modification to an existing entrance is proposed.

## 2.3 ENTRANCE PERMIT APPLICATION

- 2.3.1 The Entrance Permit Application Form shall be available at the Township of Tiny Municipal Office and on the Township website;
- 2.3.2 All applications shall be completed and delivered or mailed to the office of the Township of Tiny with the applicable application fee, as provided in the Township Fee Schedule By-Law No 15-046 as amended and updated from time to time, together with detailed plans and specifications to the satisfaction of the Public Works Department;
- 2.3.3 For Commercial, Industrial, Institutional and Multi-Unit Residential Entrances, and private road Intersections, engineered drawings (plan and profile) of the Entrance, including related grading and drainage details, shall be submitted to the Public Works Department as part of the application for an Entrance Permit. The Owner, in addition, may be required to provide deposits and pay for the costs for review by the Township Engineer, where determined by the Public Works Department. This may be a set amount if additional engineering/assessments are required as provided in the Township Fee Schedule By-Law No 15-046, as amended, and updated from time to time.
- 2.3.4 A sketch of the proposed location of the Entrance must accompany every Application. The sketch must provide enough information to enable Township staff to locate the Entrance in the field (i.e. dimensions to buildings and/or landmarks such as fences, hedgerows, tree lines, property lines etc.). In addition, the Owner shall stake out or suitably mark the location of the proposed Entrance for inspection by Township staff. The Owner shall also ensure that for all NEW permit applications, that the application is accompanied by a lot grading and drainage plan.
- 2.3.5 Upon approval, the Entrance Permit will be forwarded to the Owner. Entrance Permits will expire **12 months** following the date of issue. An Entrance Permit may be extended for 6 months from the date of issue upon written request.

- 2.3.6 In the event of a plan of subdivision or Consent Approval, for which draft approval has lapsed, any Entrance Permit issued applicable to the plan will immediately thereafter become null and void, and any built entrance based on the above will require removal, all at the sole cost of the owner.
- 2.3.7 For all Entrance Permit Applications, the Fees as per Section 2.3.2 will not be refunded. All other deposits and fees will be returned subject to costs incurred for a Township Engineer.
- 2.3.8 The Owner or Owner's contractor shall notify the Public Works Department at least 48 hours prior to commencement of construction of the Entrance.
- 2.3.9 It is the responsibility of the Owner to ensure that the construction of the Entrance is in accordance with the requirements of all applicable regulatory agencies having jurisdiction.
- 2.3.10 Owners are bound by the conditions contained in the Entrance Permit.
- 2.3.11 Trees, shrubs etc. within a Township Road must not be cut or trimmed without the written permission of the Township and such cutting or trimming may only be done under the direct supervision of the Township; where it is necessary to cut or trim trees on property adjacent to a Road, the Owner must make the necessary arrangement with the property Owner and must bear all expenses in connection therewith, including any damages occurring as a result of such cutting/trimming.
- 2.3.12 All entrances must be designed, constructed, and maintained in a manner that prevents surface water from the entranceway and/or the adjoining property from being discharged via the entrance on the Township Road.

## **2.4 EXISTING ENTRANCES**

Existing Entrance(s) to each lot of record at the time of the passage of this By-Law will continue to be permitted, provided the Existing Entrance(s) conform(s) to reasonable safety standards of the Township, generally applied to new Entrance locations that would otherwise be approved by the Township. An Entrance permit as per this By-Law shall be required for any alterations or improvements to Existing Entrance(s). In the event that an Existing Entrance does not conform to reasonable safety standards of the Township and there is no other viable alternative, the Owner of the property served by the Existing Entrance shall pay for the cost of any safety measures reasonably required by the Township to reduce potential accidents including any warning signage to be erected or installed.

## **2.5 NEW ENTRANCES**

- 2.5.1 Subject to Section 2.5.2, Entrance Permits may be issued:
- 2.5.1.0 for existing lots where no access has been previously established;
  - 2.5.1.1 where a new Entrance replacing an Existing Entrance can be shown to better comply with Entrance Standards and specifications as outlined in this By-Law;
- 2.5.2 Only one (1) new Entrance will be permitted for each existing residential lot of record, if no alternate access exists and required safety measures can be provided;
- 2.5.3 Multiple Entrances may be permitted subject to the Owner providing supporting documentation to demonstrate the need and appropriateness of additional Entrance locations including compliance with safety

requirements of the Township. The Township will not permit multiple entrances to a residential lot and may require Council approval to deviate.

2.5.4 Notwithstanding the provisions of any other By-Law of the Township of Tiny, a Building Permit for any building or erection on land which shall enter onto a Road under the jurisdiction of the Township of Tiny shall not be issued until the owner of the said land first applied for and has obtained an Entrance Permit and Municipal Address Blade.

2.5.5 If, upon the completion of construction works, the Township of Tiny Public Works Department deems it necessary, the Township may require the driveway to be relocated to a more suitable location.

## 2.6 TEMPORARY ENTRANCES

2.6.1 Entrance Permits may be issued for the construction of a Temporary Entrance for a specified period of time, but not to exceed **6 months**. Entrance Permits, when issued for a Temporary Entrance shall be clearly marked as “temporary” and shall specify the date of expiry. In the event that the Owner requires an extension to the expiry date of a Temporary Entrance Permit, the Owner may apply in writing requesting an extension, provided the application for extension is made in writing at least fifteen (15) days prior to the current expiry date. The Owner shall be required to submit the applicable fee based upon the Entrance classification for which the application has been submitted. The Public Works Department may require a security deposit, at its sole discretion, for Temporary Entrance and the potential remedial action that may be required to be taken by the Township to deal with removal, repair, and maintenance or safety aspects applicable to the Temporary Entrance in accordance with Township requirements.

2.6.2 Upon the expiry of a Temporary Entrance Permit, the Owner will be required to remove the Entrance, and to restore the Boulevard to its original condition. If required, any such security deposit may be returned at such time as Township staff have inspected the site and are satisfied that the Boulevard has been restored to a condition acceptable to the Township.

2.6.3 If at the expiry of a Temporary Entrance Permit, the Owner fails to remove the Entrance and restore the Boulevard to its original condition as required pursuant to this By-Law, the Township may use the security deposit, if provided, to perform the work on the Owner’s behalf. If additional funds are required to complete the work, and the Owner has failed to pay the cost to the Township in accordance with its invoice within thirty (30) days of its issuance, the Public Works Department may require that the Treasurer add the amount of the balance owing pursuant to the invoice to the tax roll applicable to the property for which the Temporary Entrance Permit was issued, and to collect the amount owing in the same manner as taxes pursuant to the provisions of Section 398 of the *Municipal Act, 2001*.

2.6.4 If, upon the completion of construction works, the Township of Tiny Public Works Department deems it necessary, the Township may require the driveway to be relocated to a more suitable location.

## 2.7 MUTUAL ENTRANCES

2.7.1 Mutual Entrances are not permitted unless a legal easement has been established due to potential ownership problems arising through shared ownership and use and should only be considered if individual entrances



are not possible due to physical constraints. Entrance Permits may be issued for new Mutual Entrances, the conversion of an existing Entrance to serve separate existing lots, or for two or more main buildings on one lot provided that:

- 2.7.1.0 The main buildings have the same use and qualify for the same entrance standard as set out in Section 3 of this By-Law;
- 2.7.1.1 Minimum Sight Distance requirements are not met;
- 2.7.1.2 The proposed Mutual Entrance will not adversely affect traffic safety on the Township Road; and
- 2.7.1.3 Each Entrance treatment must be installed with the same materials as outlined within the Design Standard.

## 2.8 ENTRANCE LOCATIONS

2.8.1 A **Residential** Entrance may be constructed at any location except as follows:

- 2.8.1.0 Within 30 metres of the end of any bridge, curve, hill or other obstruction that interferes with the clear vision of motor vehicle traffic using the entrance and traffic travelling on the public highway in an area where the speed limit is 80 kilometres per hour or more;
- 2.8.1.1 Within 45 metres of the intersection point of two street lines, or projected tangents of two street lines in an area where the speed limit is 70 kilometres per hour or greater;
- 2.8.1.2 Within 15 metres of the intersection point of two street lines, or projected tangents of two street lines in an area where the speed limit is less than 70 kilometres per hour;
- 2.8.1.3 Within any daylighting area;
- 2.8.1.4 Any location deemed to be a safety concern by the Public Works Department;
- 2.8.1.5 Safe Stopping Distance at the proposed entrance location is determined based on Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads. At the discretion of the Director of Public Works, accommodating may be made where sight distance requirements are not met through the installation of signs, brush cutting or other. It is also based on Ontario Traffic Manual (OTM) Book #5 "The distance required to bring a vehicle completely, and safely to rest with normal braking and road conditions.

2.8.2 **Commercial, Agricultural, Industrial and Institutional** Entrances may be constructed at any location except as follows:

- 2.8.2.0 Within 150 metres of the end of any bridge, curve, hill or other obstruction that interferes with the clear vision of motor vehicle traffic using the Entrance and traffic travelling on the Township Road in an area where the speed limit is 70 kilometres per hour or more;
- 2.8.2.1 Within 45 metres of the intersection point of two street lines, or projected tangents of two street lines in any area;

- 2.8.2.2 Within any daylighting area;
- 2.8.2.3 Any location deemed to be a safety concern by the Public Works Department;
- 2.8.2.4 A Residential or Commercial Entrance that cannot meet the requirements of either Section 2.8.1 or 2.8.2 as applicable, may be permitted if engineered drawings (plan and profile) stamped by a qualified professional engineer are provided to the Township, at the sole cost to the Owner;
- 2.8.2.5 The drawings must demonstrate that the Entrance will not be a hazard as a result of the location, in relation to the topography and that clear vision is available for both oncoming traffic using the Township Road and vehicles using the Entrance in a safe manner and without undue risk to the normal movement of traffic on the Township Road; and
- 2.8.2.6 Safe Stopping Distance at the proposed entrance location is determined based on Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads. At the discretion of the Director of Public Works, accommodating may be made where sight distance requirements are not met through the installation of signs, brush cutting or other. It is also based on Ontario Traffic Manual (OTM) Book #5 "The distance required to bring a vehicle completely, and safely to rest with normal braking and road conditions.
- 2.8.2.7 The Township may ask for an independent Traffic Impact Study (TIS) if conditions do not meet the criteria of this By-Law or a difference of opinion between Township staff and residents.

### **SECTION 3 – ENTRANCE STANDARDS**

#### **3.1 GENERAL**

A Residential Entrance may not be used as a Commercial, Agricultural, Industrial or Institutional Entrance without first obtaining a Commercial Entrance Permit and making all revisions to the existing Entrance as specified by the Public Works Department to ensure that the existing Entrance conforms to the Commercial Entrance standards as set out herein.

- 3.1.1 All Entrances shall have a minimum platform widths:
- 5 metres if Residential
  - 8 metres if Commercial
- 3.1.2 Where a culvert is required, all Entrances shall have a minimum culvert requirement of:
- 400 millimetres diameter; 7 metres long if Residential
  - 400 millimetres diameter; 10 metres long if Commercial
  - 1.6 mm thick corrugated steel pipe or approved equivalent for Residential Entrances
  - 2.0 mm thick corrugated steel pipe or approved equivalent for Commercial Entrances
- 3.1.3 The Public Works Department is to approve all culverts and material used to construct the Entrance prior to final installation.
- 3.1.4 All Entrances shall be constructed in the manner shown on Schedule "B" attached hereto and forming part thereof.

- 3.1.5 If in the opinion of the Director of Public Works or designate, a bridge is required, the Owner shall submit a plan prepared by a professional engineer for approval by the Township and shall construct the Entrance according to the approved plan.
- 3.1.6 All Entrances shall be designed, constructed, and maintained in such a manner as to prevent the discharge of surface waters from the entranceway and private property on to the travelled portion of the Township Road.
- 3.1.7 If, in the opinion of the Director of Public Works or designate, a larger diameter and/or length of the culvert is required to provide for the adequate flow of the surface and/or storm water or if the depth of the ditching along the travelled portion of the Township Road requires a longer length of the culvert, the Owner shall supply and install such culvert as is required by the Township.
- However, if the Owner disputes the Director of Public Works or designates opinion as to the oversizing requirements of the culvert, the Owner shall certify the diameter and/or length of culvert required using acceptable reasonable Engineering Report, which the Township will then consider and accept, if appropriate.
- 3.1.8 No Entrance shall be constructed within 3 metres of any water service, valve or hydrant.
- 3.1.9 No Entrance shall be constructed within 3.0 metres of any property line unless it is an approved "Mutual Entrance"
- 3.1.10 The Entrance grade shall not have a greater elevation within 3 metres of the traveled portion of a Township Road than the closest edge of the travelled road so to allow for the maximum unimpeded flow of water through the said culvert.
- 3.1.11 If the culvert is in excess of 14 metres in length, there shall be one clean-out for every additional 14 metres or part thereof.
- 3.1.12 The installation of concrete headwalls may be permitted, depending on location. In locations where a headwall may be required, suitable materials as approved by the Public Works Department may be utilized. NOTE – the headwall must not extend higher than the existing driveway, road or shoulder surface.
- 3.1.13 The surface at the end of the culvert shall be graded with a maximum slope of 2:1 and the surface shall be finished through the sodding or seeding with grass or the placement of stone adequate to ensure slope stability ensuring the materials are installed level or below the existing shoulder or driveway depth.
- 3.1.14 The Township may request for a Traffic Impact Study (TIS). If the Owner does not agree with the Township but the Township deems it necessary.
- 3.1.15 No grass, plantings, forms, or driveway shall protrude above the road and shoulder level. Any items damaged, including but not limited to Township equipment will be the sole responsibility of the Owner.

## SECTION 4 – INSPECTION AND MAINTENANCE

### 4.1 INSPECTION

Two inspections are undertaken for an entrance installation as follows:

- I. The **FIRST** inspection will determine the entrance requirements. The Owner will be notified in writing after the first inspection with regard to approval requirements;
- II. A **SECOND (FINAL)** inspection is required at the completion of the construction. It is the responsibility of the property Owner to request a final inspection.

If a deposit was required, the refund of the road damage/non-compliance fee shall be approved if the construction, ditching, and restoration are complete as per the approval permit, no deficiencies exist and if construction activities on the property are substantially complete. The entrance shall be in good condition, the culvert ends shall be clear of debris and dirt. Drainage shall be positive, away from the road and other adjacent properties.

Should the Township be required to make repairs, complete the construction or remove the entrance as deemed necessary by the Director of Public Works, the costs will be invoiced to the Owner.

- 4.1.2 The Township may require that modifications be performed if the installation of the Entrance does not conform to the plans and specifications submitted to obtain the Entrance Permit or if the as constructed Entrance is subsequently determined to create a traffic hazard for vehicles using the Township Road.
- 4.1.3 In the event that modifications are required, the Public Works Department shall provide written notice by mail to the Owner at the Owner's address as shown on the Entrance Permit application and, where necessary by mailing a copy to the address shown on the tax roll records for the mailing of municipal tax bills for the property served by the Entrance. The Owner shall carry out the required modifications within 45 days of the date of the written notice and is responsible for the cost of the inspection and any modifications required.
- 4.1.4 If the Owner fails to carry out the required modifications within 45 days, as set out above, the Township may have the required modifications completed by employees or agents of the Township at the cost of the Owner.

The cost of the modified work including all supervision and inspection charges shall be invoiced to the Owner and shall constitute a debt owing to the Township. The Owner shall have 45 days from the date of issuance of the invoice by the Township failing, which the amount of the balance owing pursuant to the invoice shall be added to the tax roll applicable to the property for which the Entrance Permit was issued and shall be collected in the same manner as taxes pursuant to the provisions of Section 398 of the *Municipal Act, 2001*.

### 4.2 MAINTENANCE

- 4.2.1 Upon Approval of a culvert installation, the culvert shall become the property of the Township and all subsequent maintenance and repairs shall be the responsibility of the Township.

- 4.2.2 It is the responsibility of the Owner to ensure they meet requirements under Policy PW-21 "Drainage Ditch/Culvert Maintenance and Responsibilities", as amended from time to time.
- 4.2.3 Upon the Approval of a headwall installation, the maintenance, and replacement, where required, will be at the sole cost of the Owner.
- 4.2.4 The Owner of a property served by an Entrance shall be responsible for maintaining the surface of each Entrance for a distance extending from the property line to the asphalt, chip and tar (surface treatment) or to the shoulder of the Township Road, whichever is greater.
- 4.2.5 It is the responsibility of the Owner to maintain the Entrance from the property line to the travelled portion of the road, excluding the shoulder and ditch.
- 4.2.6 In the event that the Township is required to complete works on the Entrance, the Township shall only be responsible for the cost of re-establishing the existing driveway surfaces from the road, to the property line to a gravel, surface treatment, or asphalt condition. The Owner shall bear all costs associated with the re-establishment of concrete, interlocking pavers or similar hard top surfaces between the property line and the travelled portion of the road.

Where the Owner requires the Township to replace such surfaces, they will be replaced with asphalt to the extent of the area disturbed.

- 4.2.7 The maintenance of the entrances (including snow & ice removal, grading, gravel application, drainage etc.), is the responsibility of the Owner. Culvert maintenance and replacement due to normal wear and deterioration is the responsibility of the Township.

### **4.3 DAMAGE DUE TO INSTALLATION/CONSTRUCTION WORKS**

- 4.3.1 Damages to the culvert, adjacent ditch, and road due to construction and or installation activities are the responsibility of the Owner including all associated costs, including but not limited to damage to culvert ends, road and surface treatment damage and lack of maintenance causing the collapse and failure of the culvert and road base.
- 4.3.2 Restoration of the ditch, shoulders, road surface/base shall be the responsibility of the Owner. Restoration may include, but not limited to topsoil's and seed/sod application, rip-rap, gravel or other approved road surface materials.

## **SECTION 5 – REVOCATION, APPEALS AND COSTS**

### **5.1 REVOCATION OF PERMITS**

- 5.1.1.1 The Township may revoke an Entrance Permit issued under this By-Law for the following reason:
  - 5.1.1. a It was issued based on mistaken, false or incorrect information;
  - 5.1.1.2 In the opinion of the Director of Public Works or designate, the construction of the Entrance is substantially suspended or discontinued for a period of more than **one (1) year**;
  - 5.1.1.3 It was issued in error;

- 5.1.1.4 The Owner requests in writing that it be revoked; or
- 5.1.1.5 In the opinion of the Director of Public Works or designate, acting reasonably, a condition of the Entrance Permit has not been complied with.
- 5.1.2 In the event that the Owner breaches any of the conditions contained in the Entrance Permit, the Township may use its own employees or agents to complete the work required under the Entrance Permit or to remove the Entrance works and re-instate the Township Road to its original condition all at the cost of the Owner. The cost of the reinstatement including all supervisions and inspection charges shall be invoiced to the Owner and shall constitute a debt owing to the Township until paid. The Owner shall have 45 days from the date of issuance of the invoice by the Township failing which the amount of the balance owing pursuant to the invoice shall be added to the tax roll applicable to the property for which the Entrance Permit was issued and shall be collected in the same manner as taxes pursuant to the provisions of Section 398 of the *Municipal Act, 2001*.
- 5.1.3 An Owner may appeal the decision of the Public Works Department with respect to the issuance of the Entrance Permit or with respect to any of its conditions.
- 5.1.4 The Owner is required to submit a written notice of appeal to the Public Works Department, which sets out the reasons for the appeal for consideration.
- 5.1.5 Upon receipt of a notice of appeal, a written decision shall be issued to the Owner within 30 days of receipt
- 5.1.6 If an Owner is not satisfied with the written decision issued by the Public Works Department, the Owner may make a deputation to Council and the decision of Council with respect to the Entrance Permit of its conditions shall be final.
- 5.1.7 The Township may request Engineering Studies to support any deviations or requests from this By-Law.

## **5.2 COSTS**

- 5.2.1 All costs associated with obtaining an Entrance Permit are the responsibility of the Owner. These costs may include, but are not limited to, applicable Entrance Permit application fees, Engineering Studies for design (i.e. Traffic Impact Study), Municipal address blade, construction materials and labour, utilities, traffic control devices, layout, surveying, legal costs and removal of non-confirming works. Owners shall refer to current Township Fee Schedule By-Law for applicable fees.
- 5.2.2 Where an Owner fails to comply with the requirements or provisions of this By-Law, the costs of enforcement by the Township shall be a debt owing to the Township and it shall be entitled to recover the debt owing by requesting that the Treasurer send an invoice to the Owner at the address shown on the tax roll records for the mailing of municipal tax bills for the property affected. If the invoice remains unpaid for a period of 45 days from the date of issuance, the balance owing, shall be added to the tax roll associated to the property for which the invoice was issued and shall be collected in the same manner as taxes pursuant other provisions of Section 398 of the *Municipal Act, 2001*.

## SECTION 6 – ADMINISTRATION AND ENFORCEMENT

- 6.1 This By-Law shall be administered by the Public Works Department except the provision regarding recovery of costs which shall be administered by the Treasurer and/or designate.
- 6.2 This By-Law shall be enforced by the persons appointed pursuant to Section 15 of the *Police Services Act* and referred to in this By-Law as Municipal Law Enforcement Officers.
- 6.3 No Person shall create or alter an Entrance or change the classification or use of the Entrance onto a Township Road without applying for and having obtained an Entrance Permit from the Township.
- 6.4 Any Person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990*, as amended and such fine is recoverable under the *Provincial Offences Act, R.S.O. 1990*, as amended
- 6.5 If a Person has been convicted of an offence under this By-Law, pursuant to Section 431 of the Municipal Act, 2001, the court in which the conviction has been entered may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.

## SECTION 7 – CONTRAVENTION

- 7.1 Where the Director of Public Works or designate finds that any provision of this By-Law is being contravened, the assessed Owner of the land or lands being benefited by the entrance and Order in writing directing compliance with such provision and may require the Order to be carried out forthwith or within such time as specified.
- 7.1.1 Where an employee gives an Order under this section, the Order shall contain sufficient information to specify the nature of the contravention and its location;
- 7.1.2 Where an employee gives an Order under this section, a copy of the Order may be affixed to the site of the construction and upon the door to any building located on the lands for which the entrance benefits and not person, except the Director or Public Works or designate shall remove such copy unless authorized;
- 7.1.3 Where an Order to cease construction is made, no person shall perform any act in the construction of the entrance in respect of which the Order is made other than such work as is necessary to carry out the Order of the Director of Public Works or designate;
- 7.1.4 Where staff finds that an entrance is unsafe, they may serve upon the assessed Owner of the lands an Order in writing setting out the reasons why the entrance is unsafe and the remedial steps that required to render the entrance safe, and may require the Order to be carried out within a specified timeframe;
- 7.1.5 Where an Order is not complied with, the Director of Public Works or designate may prohibit the use of the entrance and such Order shall be served on the assessed Owner.

## SECTION 8 – GENERAL

- 8.1 **SEVERABILITY**  
If any provision of this By-Law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-Law shall still continue in force.

8.1.2 Where there is any conflict between this By-Law and any provision of any previously passed By-Law, the said previous provision is hereby revoked.

8.1.3 Every Person, firm or Corporation who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than \$500.00.

8.2 **SCHEDULES**

Schedules attached to this By-Law form part of this By-Law and have the same force and effect as if the information in them were contained in the body of this By-Law.

8.3 **REPEAL**

By-Law No. 96-89 as amended is hereby repealed.

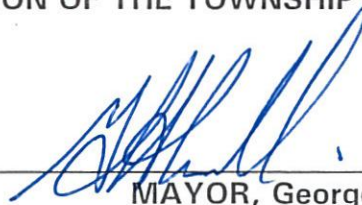
8.4 **EFFECTIVE DATE**

This By-Law will come into force and take effect on the date it is passed by the Council of the Township of Tiny.

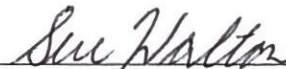
READ A FIRST AND SECOND TIME THIS 26<sup>TH</sup> DAY OF JUNE 2017.

READ A THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF JUNE 2017.

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Cornell



CLERK, Sue Walton