

**THE CORPORATION OF THE TOWNSHIP OF McMURRICH/MONTEITH
BY-LAW # 19 - 2019**

**BEING A BY-LAW TO PERMIT AND REGULATE THE SIZE AND MODE
OF CONSTRUCTION OF CULVERTS AND ENTRANCE WAYS WHICH
CROSS ANY DRAIN OR WATERCOURSE ON A PUBLIC HIGHWAY
UNDER THE JURISDICTION OF THE CORPORATION**

WHEREAS Section 27(1) of the Municipal Act, R.S.O. 2001, provides that a Municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;
AND WHEREAS it is desirable and expedient that the Corporation of the Township of McMurrich/Monteith regulate the entrance ways and placement of culverts on public highways under Council's control;

NOW THEREFORE the Council of the Corporation of the Township of McMurrich/Monteith enacts as follows:

1. THAT an entrance way (hereafter referred to as "entrance"), for the purpose of this by-law, is any driveway, laneway, private road or other structure or facility constructed or used as a means to a Township road and includes the tiling and covering of a roadside ditch for the purpose of improving a lawn or other frontage.
2. THAT no entrance, culvert or bridge over any ditch or watercourse or adjacent to any Township road may be constructed without approval by the Public Works Supervisor of the Corporation.
3. THAT entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.
4. THAT an application, as set out in Schedule A attached hereto, must be received before any work commences and includes an application fee of \$375.00, which consists of a \$300.00 deposit and a \$75.00 administration fee, payable to the Township of McMurrich/Monteith. The permit will be in effect for six months.
5. THAT the application in Schedule A is to be used for all new entrances or where substantial changes to existing entrances are proposed.
6. THAT any abandoned entrance requires a new entrance permit.
7. THAT the location and design of the entrance must be approved by the Public Works Supervisor to ensure public safety and convenience based on the design guidelines described in Schedule B to this by-law.
8. THAT land owners shall purchase and install, or have installed, the approved culvert. The diameter, gauge, length and type of culvert to be used shall be determined by the Public Works Supervisor.
9. THAT all land owners, including their agents or contractors, installing an entrance and/or culvert are responsible for damage to the traveled portion of the highway, street or road as a result of the construction. The Township may effect the repairs at the expense of the land owner.
10. THAT the Public Works Supervisor is hereby authorized, in the event that an entrance and/or culvert has been installed or improved to an unacceptable standard, to effect such installation or repair as necessary, at the expense of the land owner.
11. THAT the \$300.00 deposit portion of the required fee shall be returned to the applicant following the completed construction of the entrance and its approval by the Public Works Supervisor. Failure to complete construction and receive final approval within the six month time period will result in forfeiture of the deposit to the Corporation.
12. THAT a temporary entrance will be subject to the same application and conditions as any other entrance and must be returned to its original condition prior to the expiry

of the application. Failure to remove/rehabilitate the temporary entrance and/or culvert within the approved time period will result in forfeiture of the deposit to the Corporation.

13. THAT no person shall apply asphalt or other hard surface to that portion of an entrance on the public road allowance except under written authorization from the Public Works Supervisor. No concrete surfaces are permitted on that portion of the entrance that is over any part of the road allowance of the Corporation.

14. The maintenance of the driving surface of all entrances shall be the responsibility of the applicant or land owner to whom the entrance gives access. Such land owner shall also be expected to perform, within reason and ability, minor maintenance to prevent the culvert from becoming plugged (e.g., clearing of debris, sand, rocks).

15. THAT the Corporation shall, after the final inspection and approval by the Public Works Supervisor, maintain and replace from time to time as required, all culverts and structures installed under this by-law unless stated otherwise herein. The Council of the Corporation reserves the right to make policy decisions on the timing and scope of replacement of culverts as dictated by financial constraints in place within the Corporation from time to time. The Township policy on entrances may be found in the Level of Service Policy: Highway Operations.

16. THAT second and subsequent entrances are generally discouraged by the Township and shall only be permitted by written authorization and approval of the Public Works Supervisor and through the standard application process. Second entrances shall be expressly at the expense of the land owner, including all costs associated with installation and future maintenance, unless deemed to be exempt by Council. Such land owner will be required to file a statement with the Corporation acknowledging that the undertaking and all future maintenance is at their expense and shall be done under the direction of the Public Works Supervisor. The land owner may be required to register this agreement on title at their own expense.

17. THAT if damage to a culvert is determined by the Public Works Supervisor to be due to abuse, negligence or incorrect installation on behalf of the landowner or their agent(s), the incident will be documented and the land owner will be required to either reset the culvert or install a new culvert at their own expense. If the land owner fails to perform the required work within the time period outlined by the Public Works Supervisor, the Township will affect the repairs at the expense of the land owner.

18. THAT if the work to be done by the person directed or required to do so is in default, such matter or thing shall be done by the Corporation at the expense of the land owner and the Corporation may recover the expense incurred by the forfeiture of the required application deposit, plus all other associated costs in the same manner as municipal taxes.

19. THAT every person who contravenes the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as determined under the Provincial Offenses Act.

20. THAT this by-law shall take force and come into effect upon the third and final reading thereof.

21. That by-law 1992-10 is repealed, effective upon the coming into force of this document.

Read a First, Second, and Third Time, Signed, and the Seal of the Corporation affixed thereto and finally passed in open Council this 2nd day of July, 2019.

REEVE

CLERK

SCHEDULE A TO BY-LAW # 19-2019

PERMIT # _____ PROPERTY ROLL # _____

**TOWNSHIP OF McMURRICH/MONTEITH
ENTRANCE PERMIT**

APPLICATION FOR APPROVAL VALID 6 MONTHS FROM DATE OF ISSUE

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NAME OF APPLICANT: _____ DATE: _____
ADDRESS OF APPLICANT: _____

TELEPHONE NO: _____ EMAIL: _____

ROAD NAME: _____

NORTH / SOUTH / WEST / EAST SIDE OF ROAD (CIRCLE ONE)

LOT NO: _____ CONCESSION: _____ PLAN: _____
MUNICIPALITY (IF OTHER THAN McMURRICH/MONTEITH)

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ATTACH SKETCH SHOWING LOCATION OF LOT ENTRANCE AND
DISTANCE OF ENTRANCE FROM NEAREST BOUNDARY AND STAKE LOCATION

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WILL THIS BE A TEMPORARY OR PERMANENT ENTRANCE? (CIRCLE ONE)
IF TEMPORARY, # OF DAYS REQUIRED: _____ FROM _____
TO _____
REASON FOR ACCESS (I.E. BUILDING NEW HOME OR COTTAGE, ACCESS TO
WOODLOT, LOGGING, ETC)

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This Section for Office Use Only

DEPOSIT RECEIVED BY: _____ DATE: _____

APPROVALS:
CULVERT REQUIRED: NO YES CULVERT DIAMETER _____

CULVERT TYPE: _____ LENGTH: MIN _____ MAX _____

COMMENTS/DESIGN
MODIFICATIONS: _____

APPROVED FOR INSTALLATION AS SPECIFIED:
PUBLIC WORKS SUPERVISOR: _____ DATE: _____

FINAL INSPECTION OF INSTALLATION AND APPROVAL:
PUBLIC WORKS SUPERVISOR: _____ DATE: _____

NOTE: APPLICANT MUST RETURN THIS FORM WHEN REQUESTING FINAL APPROVAL.

**SCHEDULE B TO BY-LAW # 19-2019
TOWNSHIP OF McMURRICH/MONTEITH
ENTRANCE DESIGN GUIDELINES**

This section governs the size and mode of construction of entrances, culverts, and bridges over drains, ditches, and watercourses on Township road allowances. These guidelines may be modified on a case by case basis at the discretion of the Public Works Supervisor. Any modifications are to be noted in the appropriate section of the application.

1. Entrances must intersect the travelled road at a 90-degree angle.
2. Entrances must have adequate sight lines on the travelled road and be cleared of brush and tree limbs in the vicinity, allowing an average vehicle leaving the entrance an unobstructed view of the road of no less than 200 feet in either direction.
3. Entrances must be straight and relatively level with the road for the first 10 metres. Entrances may slope down from the road if the slope is no greater than three degrees for the first 10 metres. The beginning of the entrance must never slope upwards to ensure water does not drain onto the road surface.
4. Entrances must be designed so as to comply with the updated Ontario Building Code requirements, and as such, must:
 - a. have a clear width not less than 6 metres (20 feet), unless it can be shown that lesser widths are satisfactory
 - b. have an over head clearance not less than 5 metres (16.5 feet)
 - c. have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 metres (50 feet)
 - d. be designed to support the expected loads imposed by fire fighting equipment and be designed to permit accessibility under all climate conditions
5. The minimum size of culvert is 375 mm (15 inches) in diameter and 6 metres (20 feet) in length. The actual culvert length required will be determined by the Public Roads Supervisor based on the height of the entrance above the ditch, the required headwall slope, etc.
6. Culvert Installation
 - a. remove all material from under the intended culvert location to the base of the ditch
 - b. install the culvert on either virgin or compacted material and cover it with either 'A' or 'B' gravel, maintaining a minimum 3:1 headwall slope. 'B' gravel particle size must be smaller than 3 inches and contain no clay
 - c. if sod or seed is available, apply to the headwalls to prevent erosion