

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW NO. 12-31

A BY-LAW TO REGULATE THE ESTABLISHMENT OF ENTRANCES TO TOWNSHIP ROADS, TO PROHIBIT OR REGULATE THE OBSTRUCTING, ENCUMBERING, DAMAGING OR FOULING OF ROADS, AND FOR PROHIBITING THE CONSTRUCTION OF DITCHES OR CULVERTS UPON ROADS

(Roads By-Law)

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

AND WHEREAS the Council of the Corporation of the Township of Adjala – Tosorontio deems it expedient to regulate the establishment of entrance ways to roads, to prohibit or regulate the obstruction, encumbering, damaging, fouling of roads, and for prohibiting the obstruction of ditches or culverts upon roads;

NOW THEREFORE the Council of the Corporation of the Township of Adjala – Tosorontio enacts as follows:

1. **TITLE**

This By-law shall be cited as “Roads By-Law”.

2. **SCOPE**

This By-law shall apply to all roads within the jurisdiction of the Township;

3. **DEFINITIONS**

In this By-law the following definitions shall apply:

3.1 **Council** means the Council of the Corporation of the Township of Adjala – Tosorontio;

3.2 **Superintendent** means the Public Works Superintendent as appointed by Council or his/her designate;

3.3 **Entrance** means a public or private roadway, driveway, sidewalk, footpath or easement, gate structure or any facility constructed or used as a means of ingress and egress to and from any road;

3.4 **Entrance, Commercial** means an entrance from a commercial or industrial establishment of any kind, and includes an entrance to an apartment house or multiple family dwelling servicing more than four (4) dwelling units;

3.5 **Entrance, Residential** means an entrance from a private residence, a private farm, multiple family dwelling servicing four (4) or less dwelling units, and is used primarily by the persons living on the property or, in the case of vacant agricultural land, the owner;

- 3.6 **Entrance for deposition of fill material** means an entrance from a commercial or from a private residence for the purpose of the deposition of fill material, where fill in excess of 100 m³ is imported to or from a property;
- 3.7 **Fence** means any enclosure or barrier constructed, placed or grown for the purpose of marking of boundaries, separation, beautification, protection of privacy of lands, buildings, or occupants adjacent to a road, or for any purpose to which the context can apply according to law;
- 3.8 **Pave** means to cover with a hard surface and without limiting the generality of the foregoing shall include asphalt, concrete, brick, cobble, or interlocking stone;
- 3.9 **Person(s)** means any human being, association, firm, partnership incorporated company, corporation, agent or trustees and heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- 3.10 **Road** includes a common and public highway, street, avenue, parkway, entrance, square, place, bridge, viaduct, or trestle designed and intended for use by the general public for the passage of vehicles and includes all lands lying within the limits of the road allowance or right-of-way all of which are owned or within the jurisdiction of the Township;
- 3.11 **Road line** means the limit of the road allowance and is the dividing line between a lot and a road;
- 3.12 **Sidewalk** means a paved pedestrian walk area located within a road, or designated public walkway;
- 3.13 **Sight line** means a line of clear vision measured from the point of entrance upon the road at a height of 1.05 metres, along a road to a point above the centre line of the road at a height of 1.05 metres;
- 3.14 **Sight triangle** means a triangular space that is formed by the intersection of the boundaries of two roads of a corner lot, and a line joining two points that are six (6) metres back from the intersection. Where two road lines do not intersect at a point, the point of intersection of the projection of the road lines or the intersection of the tangents to the road lines.
- 3.15 **Township** means the Corporation of the Township of Adjala – Tosorontio’
- 3.16 **Vehicle(s)** means automobile, motorcycle, trailer, truck, traction engine, farm tractor, snowmobiles, all-terrain vehicles and any vehicle drawn, propelled or driven by any kind of power;

4. **GENERAL PROVISIONS**

4.1 **Application**

- a) The performance of any works within the limits of a road with the exception of the cutting of grass and clearing of debris, requires an application for approval from the Township;

- b) Every application must be made in form prescribed and approved by the Superintendent;

5. ENTRANCES

5.1 Approvals Required

- a) Construction of New Entrance

No person shall construct a new entrance or install a culvert pipe or curb cut until the person has obtained a permit from the Superintendent;

- b) Entrance Established or Altered Without a Permit

Any entrance established or altered contrary to the provisions of the By-law and for which a permit cannot be issued in compliance with the provisions of this By-law, may be removed by the Township;

- c) Alter Existing Entrance

No person shall extend or alter an existing entrance until a permit has been applied for and issued by the Superintendent;

- d) Pave Existing Entrance

No person shall pave that portion of an existing entrance on the road until approval has been applied for and written permission received from the Superintendent. All work shall be carried out in accordance with the Township specifications at the expense of the Owner;

- e) Entrance Use Change

- i) A residential entrance shall not be used as a commercial entrance until a permit for a commercial entrance has been applied for and issued by the Superintendent;

- ii) A residential or commercial entrance shall not be used as an entrance for the deposition of fill material until a permit for the entrance has been applied for and issued by the Superintendent;

- f) Application for Consent

Entrances proposed as a part of an application for consent will be treated as a new entrance application, and will require the completion of an application for an entrance permit, and the permit be issued by the Superintendent;

5.2 Entrance Specifications

- a) Every entrance shall be constructed in accordance with the regulations set out in Schedule "A" to this By-law and the specifications of the Superintendent as set out in the permit;

- b) No entrance shall be constructed, extended, altered, or maintained so as to cause or create any interference with municipal roads, watermains, trunks, hydrants, laterals, or any other part of a Township water or sewer system;
- (c) A change of use of an entrance shall not be permitted without evaluation of effects of impact on the road such as increased traffic volume or weight of traffic proposed. Change of use may require road improvements or contributions towards anticipated damage to or the decrease in lifespan of a road.

5.3 Maintenance

- a) The Township shall maintain and replace as becomes necessary any culvert installed under the provisions of a permit where maintenance work is carried out, and the Township will reinstate the surface of the entrance within the road to its original condition insofar as is possible. The owner of a property served by an entrance shall be responsible for maintaining the surface of each entrance from the property line to the traveled portion of the road;
- b) Despite the provisions of Section 5.3 (a), where the need to replace or repair any culvert arises from any act done or permitted to be done by any person, the cost of the replacement or repair shall be recoverable against that person under the provisions of this By-law;

5.4 Temporary Closures of Roads

5.4.1 The Superintendent may temporarily close to traffic any road whenever it becomes necessary by reason of the roads conditions, for reconstruction, repairing or improvements, civic purposes, or other statutory authority provided that:

- a) Where a road or a portion of it is closed under this section, the Township shall provide and keep in repair a reasonable temporary route for traffic and for all property owners who cannot obtain access to their property by reason of closing;
- b) While a road or a portion of it is closed to traffic there shall be erected at each end of the road or portion of it;
 - i) a barricade with adequate signage with good visibility and in good condition; and
 - ii) a detour sign indicating an alternate route, if required.

5.4.2 The Superintendent may restrict or remove the common law right of passage by an owner of land abutting a road if:

- (a) The entrance to the property is being used for an activity other than that in which the entrance permit was approved.

- (b) Where in the opinion of the Superintendent, the entrance to the property is being used for an activity that is likely to cause damage to the road.

5.4.3 No person shall:

- a) Use a road or portion of it that is closed to traffic and marked in accordance with this By-law; or
- b) Remove or deface any barricade, device, detour sign or notice placed by the Township;

5.4.4 Despite any provisions contained in this By-law, the Superintendent may later, open or otherwise use any road for any civic purpose.

6. PRIVATE WORKS ON ROADS – OCCUPATION PERMIT

6.1 No person shall cause or suffer to cause any of the following without a Permit for Road Occupation from the Township:

- a) The removal of any soil, plant material, planking, tree or shrub, sidewalk, utility, curbing pavement, or any other structure forming part of any road;
- b) The breaking or excavating of any soil, plant, material, planking, sidewalk, curbing pavement or any other structure forming any part of any road;
- c) The making of any excavation in or under any road for the purpose of building, installing, or otherwise;
- d) The placement or erection of rural mailboxes, garbage boxes or benches on a road;
- e) The planting, building, installing, or maintaining of fences, curbs and retaining walls on any road or along any road line;
- f) The planting of shrubs, hedges, or trees on a road;
- g) The placement or addition of any material upon a road;
- h) The seasonal or temporary use of roads for any recreational purposes;

6.2 No person shall cause or suffer to cause the placement, repair or erection of transit systems shelters, bicycle stands, newspaper boxes, and community mailboxes without first having obtained the approval of the Township, written direction from the Superintendent and any required Township licence;

6.3 The Superintendent shall grant a permit applied for as required under Section 6.1 provided that the application is made in good faith and the applicant meets all of the following conditions:

- a) The work so permitted shall be done under the direction of the Superintendent;

- b) The portion of the road disturbed shall be replaced and made good to the Superintendent's satisfaction by and at the expense of the person obtaining the permit;
- c) The work shall be completed without delay;
- d) The person obtaining the person shall:
 - i) Be responsible for all accidents that may occur to any person or property due to the work; and
 - ii) Keep and maintain lights and watchman; and
 - iii) Take any precaution that may in the opinion of the Superintendent be necessary for the protection and safety of the public;
- e) All works must be completed in accordance with the specifications set out in the permit;

7. DAMAGING, DISCHARGING AND DISCARDING

- 7.1 a) No person shall, on any road, throw, place or deposit by any means whatsoever, snow, building material, dirt, glass, handbills, paper, skateboard ramps, portable basketball nets, hockey nets or other rubbish, refuse, or garbage, or carcass of any animal;
 - b) No person shall:
 - i) Place any obstruction in any ditch, gutter or watercourse on any road; or
 - ii) Obstruct or cause to be obstructed or divert in any way, any ditch, gutter or watercourse on any road;
 - c) No person shall permit water to be discharged from a pipe on a person's property onto Township road allowance;
 - d) No person shall by any means whatsoever, obstruct, damage or cause to be damaged any portion of any road;
 - e) No person, other than the Township, shall pave, gravel, or apply any other type of surfacing material to any part of a road unless it forms part of the entrance;
- 7.2 Every occupant or land owner and every house, shop, building, lot or parcel of land and every person having charge or care of any church, school. or public building shall keep the sidewalks on the roads fronting or abutting the premises clean and free of obstructions and hazards, including snow and ice;
- 7.3 All persons employing or using vehicles entering or leaving any lands for any person, shall immediately remove from the road any rubbish, earth or other material which has fallen from the vehicles;

8. **EXEMPTIONS**

The provisions of this by-law do not apply:

- 8.1 To activities carried out by the Township of Adjala – Tosorontio or the County of Simcoe.

9. **PENALTIES**

9.1 **Removal of Objects or Obstruction**

The Township may require the removal of any unauthorized object or obstruction built, maintained, placed, deposited, or planted on any road, by notice in writing to the person who deposited or planted the obstruction;

- a) If the demand to remove the obstruction is not complied with within fifteen (15) days of the notice, the Township may cause the same to be removed;
- b) For the purposes of this section, "object or obstruction" includes any sign, fence, or marker on the road or at the road line;

- 9.2 Despite section 9.1, any object or obstruction built, maintained, placed, deposited, or planted on a road which, in the opinion of the Superintendent is considered to be a hazard to pedestrian and vehicular traffic or impedes the flow of water such as to create a potential danger to the public, will be immediately removed. The Township and the provisions of Section 9.3 and 9.4 shall apply;

9.3 **Failure to Comply or Complete Works**

Where it is provided that the Township may complete any work required to be done by an owner or person, or may rectify any action of an owner or persons which is contrary to this By-law or where the Township restricts or removes the common law right of passage by an owner of land abutting a road, such work done by the Township shall be completed at the expense of the owner, and if costs incurred by the Township in completing the works, together with any charges, damages (including damages for injury) or other expenses payable by the Township arising out of its completing the works are not paid, the same may be recovered by the Township in the same manner as taxes and or by due process of law;

9.4 **Violation and Penalties**

In addition to Section 9.3 to this By-law, any person who contravenes any provision of this By-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offences Act as amended from time to time and each day that a separate breach of this By-law continues shall constitute a separate offence;

9.5 **Unlawful Use of Closed Road**

Every person who contravenes the provisions of Section 5.4 to this By-law is guilty of an offence, and on conviction, is liable to a fine as provided for in the Provincial Offences Act, and will be

liable to the Township for any damage or injury occasioned by the wrongful use, removal or defacement;

10. **INDEMNIFY**

Every person before carrying out any work under a permit on any road shall insure and/or provide proof of insurance against all damages or claims for damage against the Township that may arise as a result of the work;

11. **SEVERABILITY**

Should any section, subsection, clause, paragraph, or provision of this By-law, including any part of the Schedules to this By-law, be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part, other than the provision or part of the Schedules declared invalid;

12. **THAT** should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;

13. **THAT** should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

14. **THAT** By-law 96-44 is hereby repealed;

15. **THAT** the provisions of this By-law shall take full force and effect with the passing hereof;

16. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 3rd day of December, 2012.



MAYOR TOM WALSH



CLERK BARBARA KANE

Schedule "A"
To
By-law No. 12-31

STANDARDS AND SPECIFICATIONS

I. ENTRANCE STANDARDS AND SPECIFICATIONS

In general, all entrances must be located to provide suitable spacing and visibility requirements as follows unless specified otherwise within the permit at the discretion of the Superintendent:

1. With a posted speed of 80 km/h, at least 30.0 metres from an intersection.
2. No entrances to be permitted within a sight triangle.
3. Minimum distance between driveway and lot line is 1.5 metres (4.9 feet) from side lot line.
4. With a posted speed of 80 km/h, minimum allowable distance of 65 metres from the entrance to the end of the bridge deck.
5. With a posted speed of less than 80 km/h, minimum distance from the end of a bridge deck to be determined by the Superintendent.
6. Minimum vertical and horizontal sight distances required are as follows for residential and commercial entrances:

<u>Speed Limit</u>	<u>Minimum Sight Distance in Meters</u>
50 km/h	65
60 km/h	85
70 km/h	110
80 km/h	135

7. Designs not outlined above are to be as per the Ministry of Transportation Geometric Design Standard Manual.
8. All commercial entrances must meet the above criteria plus the criteria established in the Ministry of Transportation's Commercial Site Access Policy and Standard Designs Manual.
9. Minimum vertical and horizontal sight distances required are as follows for an entrance for the deposition of fill:

<u>Speed Limit</u>	<u>Minimum Sight Distance in Meters</u>
50 km/h	135
60 km/h	170
70 km/h	200
80 km/h	230

10. Entrances within subdivisions and built-up hamlet areas are to be constructed in conformity with the Engineering Design Criteria Manual.

II. INSTALLATION SPECIFICATIONS

All entrances must be constructed to the satisfaction of the Superintendent and to meet the following specifications unless specified otherwise within the permit at the discretion of the Superintendent:

1. Minimum entrance culvert diameter is 400 mm.
2. Minimum residential entrance culvert width is 9.0 metres.
3. Minimum commercial entrance culvert width is 12.0 metres.
4. Minimum entrance for the deposition of fill material is 12.0 metres.
5. Residential entrance culvert to be new, minimum 1.6 mm (16 gauge) thickness helical c.s.p.
6. Commercial entrance culvert to be new, minimum 2.0 mm (14 gauge) thickness helical c.s.p.
7. Entrance culvert for the deposition of fill material to be new, minimum 2.8 mm (12 gauge) thickness helical c.s.p.
8. Entrance culvert to have end protection or headwalls suitable for protecting the ends of the culvert from crushing.
9. Culvert headwalls may not be higher than the level of the road shoulder at the rounding.
10. Entrances for the deposition of fill to have marking or delineation for easy identification.
11. Entrance culverts shall be constructed to the proper grade so as to provide for the free and unimpeded flow of water through the culvert.
12. Residential culverts shall be covered with granular "A" material, equal in depth to at least 150 mm or one-third of the culvert diameter, whichever is greater.
13. Commercial or entrance culverts for the deposition for fill material shall be covered with granular "A" material, equal in depth to at least 250 mm or one-third of the culvert diameter, whichever is greater.
14. Surface of entrance may not be higher than the level of the road shoulder at the rounding.
15. Entrance gradient to be 6% maximum for residential entrances, 10% maximum for farm and field entrances.
16. Entrance to be designed to prevent the flow of water onto the travelled portion of the roadway.
17. Entrances must have an unobstructed sight triangle.