

**The Corporation of the Township of Oro-Medonte**

**By-law No. 2017-076**

**AMENDED**

**A By-law to regulate and permit the construction, alteration, change in and maintenance of driveway Entrances that permit access to a Township road within the Township of Oro-Medonte  
(Entrance By-law)  
And to Repeal By-Law No. 2010-063**

**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 Oro-Medonte ("Township") 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 11 of the *Municipal Act, 2001*, provides that a municipality may pass By-laws respecting matters related to Highways including parking and traffic on Highways;

**And Whereas** Section 27 and 35 of the *Municipal Act, 2001*, authorize Township 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 Township 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 to establish administrative practices and procedures to implement Township Council's decisions;

**And Whereas** Section 391 of the *Municipal Act, 2001*, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and for the use of its property including property under its control;

**And Whereas** Section 398 and Section 446 of the *Municipal Act, 2001*, authorizes a municipality to add the costs of completing any matter or thing it has authority to direct to be done in this By-law, if the person directed to do so is in default, to the tax roll and collect the amount due in the same manner as property taxes;

**And Whereas** pursuant to section 425 of the *Municipal Act, 2001*, the Township may pass By-laws providing that a person who contravenes a By-law of the Municipality is guilty of an offence;

**And Whereas** Section 444 of the *Municipal Act, 2001*, provides that a 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*, as amended, provides that a 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** Section 446 of the *Municipal Act, 2001*, provides that a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**And Whereas** the Council of The Corporation of the Township of Oro-Medonte deems it desirable to regulate and permit the construction, alteration, change in and maintenance

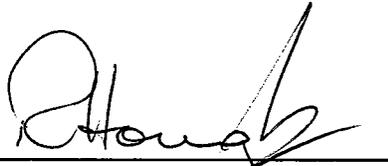
of driveway Entrances that permit access to a Township road under the jurisdiction of the Township;

**Now Therefore** the Council of the Township of Oro-Medonte hereby enacts as follows:

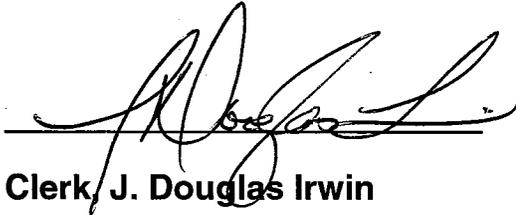
1. That Appendix "A" attached hereto, form part of this By-law.
2. That this By-law may be cited as the "Entrance By-law".
3. That By-Law No. 2010-063 is hereby repealed in its entirety.
4. And that this By-law shall come into force and effect on the date of its final passing.

**By-law read a First, Second and Third time, and Passed this 24<sup>th</sup> day of May, 2017.**

**The Corporation of the Township of Oro-Medonte**



**Deputy Mayor, Ralph Hough**



**Clerk, J. Douglas Irwin**

## Appendix "A"

### to By-law No. 2017-076 for the Corporation of the Township of Oro-Medonte

#### 1.0 Definitions

<b>Access Impact Study</b>	shall mean a study undertaken by a professional engineer that assesses, to the satisfaction of the Director, the effect that a proposed Entrance will have on the road network and public safety. Elements of the study will include, but need not be limited to, an analysis of sight distances, turning movements, and impact of the road characteristics.
<b>Applicant</b>	shall mean a person being the Owner of a lot or his/her authorized agent applying for an Entrance Permit.
<b>Boulevard</b>	shall mean that portion of the Highway paved or unpaved between the curb or outside edge of the shoulder of the roadway and the Township property line but does not include the sidewalk.
<b>Bridge</b>	shall mean the public Bridge forming part of a Highway or on, over or across which a Highway passes. Township
<b>Council</b>	shall mean the Council of the Corporation of the Township of Oro-Medonte.
<b>Commercial Entrance</b>	shall mean an Entrance opening on to a Township road from a retail or service business.
<b>Director</b>	shall mean the Senior Manager responsible for Township roads or his/her authorized representative.
<b>Entrance</b>	shall mean any private driveway, gate, Entranceway or other Structure or facility constructed as a means to gain access to a municipal roadway.
<b>Entrance Permit</b>	means an authorization granted in writing by the Director pursuant the Entrance By-law
<b>Farm Entrance</b>	shall mean an Entrance opening on to a Township road from an active farm and is to be used for access to one or more barns, out-buildings and/or a farm residence.
<b>Field Entrance</b>	shall mean an Entrance opening on to a Township road from an agricultural field.
<b>Industrial Entrance</b>	shall mean an Entrance opening on to a Township road from an industrial facility.
<b>Institutional Entrance</b>	shall mean an Entrance opening on to a Township road from an institutional facility.

<b>Intersection</b>	shall mean an Intersection of a Township Highway with another Highway.
<b>Highway</b>	shall mean a common and public Highway, street, avenue, parkway, square, sidewalk, footpath, place, Bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof; and shall include unopened Highways.
<b>Manager</b>	shall mean the Highway Departmental Manager responsible for Township roads or his/her authorized representative.
<b>Minimum Sight Distance</b>	shall mean 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 pavement, 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.
<b>Mutual Entrance</b>	shall mean an Entrance opening on to a Township road that provides shared access to serve separate existing lots or for two or more main buildings on one lot.
<b>Owner</b>	shall mean the assessed Owner(s) as identified on the Assessment Roll for Taxation Purposes during the current year, as amended.
<b>Residential Entrance</b>	shall mean an Entrance opening on to a Township road from a private residence or from a multi-unit residential dwelling containing not more than two separate, self-contained dwelling units.
<b>Street Line</b>	shall mean the lot line dividing a private lot and the Highway.
<b>Structure</b>	shall mean 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, animal or goods.
<b>Temporary Entrance</b>	shall mean an Entrance opening on to a Township Highway that provides access to property intended to be used for a limited amount of time for the purpose of construction, repairs or improvements to that property or to facilitate staged development.
<b>Township</b>	shall mean the Corporation of the Township of Oro-Medonte
<b>Township Standards</b>	shall mean the Township of Oro-Medonte Development Engineering Policies, Process and Design Standards, as amended from time to time and are to be used in conjunction with the Ontario Provincial Standard Drawings (OPSD) and the Ontario Provincial Standard Specifications (OPSS).

## **2.0 Application**

- (1) This By-law shall apply to all Highways under the jurisdiction of and located within the geographical boundaries of the Township.

## **3.0 General Provisions**

- (1) No person shall establish, construct, repair, alter or relocate an Entrance upon a Highway under the jurisdiction of the Township except under authority of an Entrance Permit.
- (2) Every person seeking to conduct the following activities shall be required to obtain an Entrance Permit:
  - a) construction of a new Entrance;
  - b) changing of a temporary Entrance to a permanent Entrance;
  - c) applying asphalt, concrete or any other road surfacing material to an Entrance;
  - d) changing the location of an existing Entrance;
  - e) changing the design of an existing Entrance;
  - f) changing the use of the land into which the Entrance provides access; and
  - g) maintenance or repair of an existing Entrance including headwalls/culverts.
- (3) No person shall fail to comply with a Notice of Obstruction or an Order issued pursuant to this By-law.
- (4) A copy of the Entrance Permit must be on site at all times for the review of Township staff. Failure to have the permit on site will result in the Township ordering that the work area be restored to its original condition immediately.
- (5) This By-law shall be read in conjunction with the Road Occupancy By-law 2017-063.

## **4.0 Existing Entrances**

- (1) For Residential Entrances, one legally existing Entrance to each lot of record at the time of passage of this By-law will be permitted.
- (2) For Commercial, Industrial, Institutional and Farm Entrances, one legally existing Entrance to each lot of record at the time of passage of this By-law will be permitted.
- (3) For Field Entrances, one legally existing Entrance to each agricultural field will be permitted.

## **5.0 Entrance Permits**

- (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 an activity. When applying for a permit, the Applicant shall:
  - i) Complete and submit the form prescribed by the Director;

- ii) Include a sketch showing the proposed work area and the proposed and/or existing Entrance location, the width and proposed use of the Entrance;
  - iii) The location of any trees and public utility services;
  - iv) The type, size and location of proposed Entrance culvert;
  - v) Pay a non-refundable permit fee as set out in the Township's Fees and Charges By-law as amended;
  - vi) Proof of insurance as described in section 7.3;
  - vii) The location of any controlled access designation which has been applied to the frontage;
  - viii) Any 0.3 m reserves which may exist between the private property for which the application is being made and the adjacent Highway; and
  - ix) Any other information or documentation that the Director deems necessary.
- (2) Property under site-plan control will require site-plan approval prior to a review Entrance Permit application.
  - (3) The Entrance Permit application must include the name of the company doing the installation, the company WSIB clearance certificate, insurance as required in section 7.3 and Road Occupancy Permit.
  - (4) The Director in his/her sole discretion shall determine the size and length of the culvert.
  - (5) Issuance of an Entrance Permit does not guarantee the issuance of a building permit by the Township of Oro-Medonte.
  - (6) The issuance of a Permit under this By-law 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.
  - (7) Without limiting the generality of clause 5(1), the Director may require the Applicant to submit an Access Impact Study.
  - (8) Receipt of the application and/or permit fee by the Township shall not represent approval of the application for the issuance of the Permit nor shall it obligate the Township to issue such permit.
  - (9) 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, cleanup costs, and all other obligations of the permit holder under this By-law and Permit and or in accordance with the Township's Road Occupancy By-law.
  - (10) The Applicant for an Entrance Permit shall, along all frontages of the property for which an application has been approved, remove any Entrance, culvert, curb, sidewalk or ancillary installation which becomes redundant and shall also remove any Entrance which contravenes this By-law by reason of the construction, relocation, or alteration of any or all Entrances as proposed in the application.
  - (11) The removal as prescribed in section 5(10) hereof shall be carried out by the Owner at the same time as the construction of the Entrance as set out in the application for which an application has been approved. Every person who

closes an Entrance shall reinstate, at his or her expense, the sidewalk, shoulder, ditch, curb and Boulevard to Township Standards.

## **6.0 Review, Approval and Refusal**

- (1) The Director is authorized to receive and consider all applications, and to conduct all investigations necessary to determine whether a permit should be issued.
- (2) The Director shall have the authority to approve, refuse, administer and/or revoke all Entrance Permits, and may include any conditions in a permit that he/she deems appropriate.
- (3) The Director shall have the authority to determine and from time to time amend the forms, information, and special conditions required in the administration of this By-law.
- (4) Prior to making a decision on any application, the Director shall consult with such other persons or agencies as he considers necessary.
- (5) When reviewing an application, the Director shall consider:
  - a) any potential adverse effect on public health and safety;
  - b) any potential inconvenience to the public;
  - c) any concerns for the security of persons or property; and
  - d) if the past or present conduct of the Applicant affords reasonable grounds to believe the construction, maintenance or other may not be adequately managed in accordance with this By-law.
- (6) The Township, upon receipt of a completed application, may recommend additional insurance or notification to additional agencies that are necessary for the proposed Entrance Permit.
- (7) Without limiting the generality of section 6(2), the Director may refuse to issue a permit, if:
  - a) the Applicant has not provided information or documentation required or did not provide such information or documentation within the specified time frame;
  - b) the Applicant has not provided the fees, securities and insurance required;
  - c) the Applicant has submitted false, mistaken, incorrect or misleading information in support of the application;
  - d) the Applicant or any Principal, Director, or Officer of the Applicant has an outstanding debt to the Municipality, or;
  - e) the requested Entrance poses an unacceptable level of risk to the factors outlined in section 6(5).
- (8) The Director may revoke a permit at any time without prior notice to the holder if:
  - a) it was issued in error;
  - b) it was issued as a result of false, mistaken, incorrect or misleading information in the application;

- c) there are reasonable grounds to believe that the Entrance poses a risk to the factors outlined in section 6(5);
  - d) the permit holder is not in compliance with any permit condition.
- (9) In the event that the Applicant 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 prior Highway condition and may collect the cost of the work pursuant to the provisions of sections 398 and 446 of the Municipal Act 2001, as amended.
- (10) Any Applicant who has been refused a permit, has had a permit revoked or who objects to conditions imposed may appeal to Council and the decision of Council shall be considered final and binding on the Applicant.
- (11) Any person required to renew and or extend an Entrance Permit previously granted under this By-law, shall contact the Township requesting renewal or extension of the Permit at a minimum 10 business days prior to Permit expiry and provide any requested modified documentation as required by this By-law or as deemed necessary by the Director. The Director reserves the right to approve or deny requests for renewals or extensions of permits.
- (12) The Entrance Permit shall expire one (1) year from the date of issuance provided that no work has been commenced within that time, after which a new permit must be obtained.

## **7.0 Conditions**

### 7.1 Locates

- (1) It shall be the sole responsibility of the Permit Holder to request from the appropriate Utility Company marking or other location information to determine the location and to provide safeguards for all utilities. Should the Permit Holder, in carrying out the work allowed under the Entrance Permit, cause damage to any such utilities the entire cost and responsibility of restoring any such utilities shall be at the sole expense of the Permit Holder.

### 7.2 Traffic Control, Notifications, Devices, Signs and Closures

- (1) The Permit Holder shall supply, erect and maintain warning devices barricades and traffic signs where applicable in accordance with the Occupational Health and Safety Act RSO 1990 c o. 1 as amended and any applicable provincial traffic regulations including but not limited to the Ministry of Transportation Ontario Traffic Manual Book 7 Temporary Conditions.
- (2) If the Permit Holder fails to comply with subsection 7.2 (1) hereof, the Director may order the erection and maintenance of any warning devices barricades and signs considered necessary at the Permit Holder expense and charge back such expenses to the Permit Holder.

### 7.3 Insurance

- (1) Every Applicant for an Entrance Permit shall provide and maintain Comprehensive General Liability insurance acceptable to the Township of Oro-Medonte and subject to limits of not less than five million dollars inclusive per occurrence for bodily injury death and damage to property including loss of use

thereof. Such Comprehensive General Liability insurance policy shall be in the name of the Applicant and shall name the Township of Oro-Medonte as an additional insured. The insurance policy shall remain in place until all warranty requirements are fulfilled.

- (2) All insurance shall contain the endorsement to provide the Township of Oro-Medonte with 30 days prior written notice of any cancellation or change.
- (3) The Director may vary the monetary limits and coverage requirements as set out in Section 7.3.

#### 7.4 Indemnification

- (1) The permit holder shall indemnify and hold harmless the Corporation of the Township of Oro-Medonte, their elected officials, agents, officers, and employees from and against all claims, demands, losses, expenses, costs, damages, actions, suits or proceedings by third parties, hereinafter called "claims", directly or indirectly arising or alleged to arise out of the Entrance Permit or failure to perform the conditions of the permit, provided such claims are:
  - a) attributable to bodily injury, disease, or death, or to damage to or destruction of tangible property;
  - b) caused by negligent acts or omissions of the permit holder or anyone whose acts the permit holders may be liable.
- (2) The permit holder shall indemnify and hold harmless the Corporation of the Township of Oro-Medonte from all and every claim for damages, royalties or fees for the infringement of any patented invention or copyright occasioned by the permit holder in connection with the Entrance Permit or material furnished by the permit holder.

#### 7.5 Transferability

- (1) An Entrance Permit is not transferable without the written consent of the Director.

### **8.0 Temporary Entrances**

- (1) Entrance Permits may be issued for the construction of an Entrance for a specified period of time. Entrance Permits, when issued will be clearly marked as "temporary" and will specify the date of expiry. In the event that the Applicant requires an extension to the expiry date of the Temporary Entrance Permit, the Applicant may apply in writing requesting an extension, provided this application date is made at least 10 working days prior to the current expiry date. The Applicant will be required to submit the application fee for the Entrance. The Director may require a security deposit for temporary Entrances as a condition of approval. The amount of the deposit will vary with the circumstances.
- (2) Upon the expiry of a Temporary Entrance Permit, the Applicant will be required to remove the Entrance and to restore the Boulevard to its original condition. Security deposits may be returned at such time as the Township staff have inspected the site and are satisfied that the work is properly complete.
- (3) If at the expiry of a Temporary Entrance Permit, the Applicant fails to remove the Entrance and restore the Boulevard to its original condition, the Township may use the security deposit to complete the work, and the Township may request

that the Treasurer of the municipality include any part of the fees and charges imposed by the Township to the tax roll pursuant to the provisions of sections 398 and 446 of the *Municipal Act, 2001*, as amended.

## **9.0 Mutual Entrances**

- (1) Mutual Entrances are discouraged due to potential Ownership problems and should only be considered if individual Entrances are not possible due to physical constraints. Entrance Permits may be issued for new mutual Entrances and the conversion of an existing Entrance to service separate existing lots provided that:
- a) the Township Road frontage to the combined lots is 50 m or greater;
  - b) Minimum Sight Distance requirements are met; and
  - c) the proposed mutual Entrance will not adversely affect traffic safety on the Township road.

## **10.0 Entrance Locations**

- (1) Generally, Entrances on to Township roads must be a minimum of:
- a) 15 metres from an Intersection for a residential, farm or field lot;
  - b) 100 metres from an Intersection for commercial, institutional, industrial or multi-unit residential lots;
  - c) 15 metres from an "at grade" railway crossing;
  - d) Entrances shall be located 3.0 metres away from all above ground utilities, such as but not limited to poles, pedestals and 3.0 metres from the side lot lines of the lot into which the Entrance provides access;
  - e) where properties have frontage on two road allowances, only one Entrance will be permitted;
  - f) For Commercial, Industrial, Farm, Field and Institutional Entrances, a second Entrance may be considered by the Director if the distance between the two Entrances is greater than 40 m and the Entrances meet all other requirements prescribed herein.
- (2) Generally, Entrances on to a Township road are not permitted:
- a) adjacent to a lane which is identified for the purpose of an exclusive turning movement including but not limited to, channelization, acceleration or deceleration;
  - b) within 15 m of the curb line of an Intersection;
  - c) within 15 m of a railway crossing;
  - d) where Minimum Sight Distance requirements are not met; and
  - e) where an Entrance would violate the design guidelines of the Ministry of Transportation, Transportation Association of Canada and Township, whichever guideline is more restrictive.
- (3) An Entrance adjacent to a Bridge or other Structure which may interfere with the clear vision of traffic using the Entrance must be located so that it meets the

minimum stopping sight distance requirements identified in section E.3 of the MTO Geometric Design Standards for Ontario Highways Manual, as amended.

- (4) If the Applicant proposes a reversed (negative slope) grade Entrance, the Applicant must prove to the satisfaction of the Director that the driveway will not be flooded by the overland flow during a 100 year storm event or by surplus flow in the road drainage system. Actions required to prevent, alleviate, mediate or remove the flooding condition will be the responsibility of the Owner.

#### **11.0 Exceptions and Appeals**

- a) Exceptions may be granted for proposed Entrances on existing lots where Minimum Sight Distance requirements cannot be met, subject to approval being granted by the Director, including the review and recommendations of the Manager.
- b) The Applicant is required to submit a written request (with the applicable fee) to the Director which sets out the reason an exception is requested.
- c) If an exception is granted, it may be granted with conditions and the Applicant may be required to enter into a Development Agreement with the Township to be prepared and registered on title to the property in question at the Applicant's expense.
- d) The Applicant is entitled to an appeal of the Directors decision, which appeal will be to the Council of Oro-Medonte.
- e) An appeal must be submitted in writing within 20 days of the date of the notice of decision, to the Township Clerk, with the application filing fee, as set out in the Fees and Charges By-law.
- f) The appeal will be brought forward to the next available regular Council meeting and will provide an opportunity for the Applicant to be heard. No new evidence can be submitted to Council.
- g) The decision of Council will be provided in writing to the Applicant within 30 days of the meeting.
- h) The Council can attach such conditions as are reasonable to its decision including the entering into a Development Agreement with the Township to be prepared and registered on title to the property in question at the Applicant's expense. This decision is final and binding.

#### **12.0 Entrance Standards and Sight Distances**

##### **(1) Entrance Standards**

- a) The maximum width at the Street Line of a commercial, industrial, institutional, multi-residential or Farm Entrances is 9.0 metres, unless otherwise approved by the Director.
- b) Residential Entrances must have a maximum width of 7.0 metres and be built in accordance with the Township's Development Engineering Policies, Process and Design Standards. In no case shall the width of the Entrance exceed 30% of the frontage on which the Entrance is located.
- c) The minimum turning radius for a Residential Entrance is 3.0 metres. The minimum turning radius for an Industrial, Commercial, Field or Farm Entrance is 15.0 metres.

- d) The minimum size of Entrance culvert is 400mm in diameter. The length and diameter of the culvert will be based on site conditions and drainage flow volumes.
- e) Entrance construction materials must meet Township's Development Engineering Policies, Process and Design Standards, Ontario Provincial Standards or be approved by the Director.
- f) If the Entrance requires a Bridge, the design of the Bridge must be prepared by a qualified professional engineer at the Applicant's expense and is subject to approval of the Director.
- g) All Entrance culverts must be constructed to the proper grade to provide the free and unimpeded flow of water through the culvert.
- h) Each Entrance on to a Township road must be designed, constructed and maintained in a manner that will prevent surface water from being discharged via the Entrance or adjoining property on to the Township road.
- i) Only one Entrance, new or existing will be permitted for each existing lot of record.

(2) Sight Distances

- a) Where the posted speed limit is 80 km/hr, new Entrances must meet all of the following requirements:
  - i) Minimum Sight Distance as per Table 1 and Table 2, as applicable;
- b) Where the posted speed limit is less than 80 km/hr, new Entrances must meet all of the following requirements:
  - i) Minimum Sight Distance as per Table 1 and Table 2, as applicable;

**Table 1**

Speed Limit – km/hr	Minimum Sight Distance (Metres)*
50	135
60	170
70	200
80	230

**Table 2**

Posted Speed Limit – km/hr	Decrease for Upgrade		Increase for Downgrade	
	3%	6%	3%	6%
50	-5 m	-5 m	nil	+5 m
60	-5 m	-5 m	+5 m	+10 m
70	-5 m	-10 m	+5 m	+10 m
80	-10 m	-15 m	+10 m	+15 m

\* Table 2 provides factors (in metres) where the Entrance is located on a grade on the Township road.

- (3) All new installations, repairs, replacements, extensions, relocation and all maintenance to Entrance culverts shall be in conformity to the Township's Development Engineering Policies, Process and Design Standards.

- (4) Notwithstanding Section 12(2), all new installations and replacement culverts in plans of subdivision, where a subdivision agreement is registered on title and the said agreement has provision for the installation of culverts, such provisions as established in the subdivision agreement shall prevail.

### **13.0 Construction of the Entrance**

- (1) Once a permit is issued for the construction of an Entrance, the Owner shall schedule an inspection with the Township. A Township inspector will attend during installation to ensure that all Township requirements are met.
- (2) Should the culvert or Entrance be damaged during the construction of any dwelling, building or Structure on the lot, the culvert and Entrance shall be repaired by the Owner, at the Owner's expense and will require an additional permit and inspection, including applicable fees.
- (3) Should an Entrance not be constructed to the specifications authorized by the Entrance Permit, the Director shall have the authority to request that such Entrance be reconstructed to conform to the original specifications authorized by the Entrance Permit. The Director shall have the authority to request that any Entrances subsequently altered from the original specifications authorized by the Entrance Permit or through the original subdivision agreement be reconstructed to conform to the original specifications.
- (4) The Owner shall be responsible for all damages to all existing services within the road allowance or other Township property when such damages arise out of any work undertaken by the Applicant.

### **14.0 Entrance Culvert Repairs**

- (1) The property Owner is responsible for all maintenance and repair of the Entrance used for access to their property, including but not limited to the culvert, headwalls, driving surface, curb cut, granular base and snow removal.
- (2) Notwithstanding section 14(1), damages caused to an Entrance or Entrance culvert by forces other than the Township, shall be repaired by the Owner at the expense of the Owner, person or company causing such damage.
- (3) The Township may cover the cost of the Entrance culvert replacement when it is part of a Township initiated project, if at the sole discretion of the Director, it is required to improve drainage and the culvert is in poor condition.
- (4) Nothing in this By-law shall be construed as placing an obligation upon the Township for maintenance of the driving surface or headwalls on any part of any Entrance.
- (5) Nothing in this By-law shall be construed as placing an obligation upon the Township to repair or replace existing headwalls, culvert or driving surface as a result of or which is part of a Township initiated project.

### **15.0 Obstructions Prohibited**

- (1) No person shall tile or enclose a ditch within a Boulevard, other than the specified Entrance, except under the authority of and in accordance with the conditions of an Entrance Permit.
- (2) No person shall obstruct any drain, ditch or watercourse situated on any street under the jurisdiction of the Township.

- (3) No person shall install plantings or place any Structures of any design within Township road allowances.
- (4) Notwithstanding Section 15.3, rural mailboxes may be installed on a street in accordance with current Canada Post Rural Mailbox Guidelines, applicable Township By-laws and provincial/federal regulations.

#### **16.0 Costs**

- (1) All costs associated with an Entrance Permit are the responsibility of the Applicant. These costs may include, but are not limited to, applicable Entrance permit application fees, construction materials and labour, utilities, traffic control devices, layout, surveying, Access Impact Study, legal costs and removal of non-conforming works. Refer to current Fees and Charges By-law for applicable fees.
- (2) Where the Applicant fails to comply with the requirements or provisions of this By-law, the Township may recover the expenses by requesting that the Treasurer include any part of the fees and charges incurred by the Township to the tax roll pursuant to the provisions of sections 398 and 446 of the Municipal Act 2001, as amended.

#### **17.0 Severability**

- (1) If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law, which shall remain in full force and effect.

#### **18.0 Inspections**

- (1) An Officer may at all reasonable times enter on any land, for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law, direction or order in association with the permit are being complied with.

#### **19.0 Orders**

- (1) If after inspection, the Director or an Officer is satisfied that a contravention of this By-law has occurred, the Director/Officer shall notify the registered Owner of the land of the particulars with a "Notice of Contravention" and/or an "Order to Comply" pursuant to subsections 444(1) and 445(1) of the *Municipal Act, 2001*, as amended, at the same time and provide all occupants with a copy of the notice and such order shall contain:
  - a) the municipal address and the legal description of the land;
  - b) reasonable particulars of the contravention; and
  - c) the period of time within which there must be compliance.
- (2) The Director/Officer, by a written Notice of Contravention and/or an Order to Comply pursuant to subsections 444(1) and 445(1) of the *Municipal Act, 2001*, as amended, may require any person who has done work without an approved Entrance Permit or has not complied with the provisions of this By-law, or where the permit has been issued on mistaken, false or misleading information:
  - a) to cease all work;
  - b) to restore/repair any damages caused;
  - c) to do all work necessary to eliminate any hazards resulting from the work that has occurred; and
  - d) to be responsible for all cost associated with the remedial work, such cost will be withdrawn from any securities provided by the permit

holder. In the event the cost to repair damages exceeds the deposit and/or securities the permit holder is responsible for the full amount of damages incurred to any municipal Highway and the Township shall have the right to recover any expenses incurred in the same manner as taxes.

- (3) Where any person has contravened any provision of this By-law, the Township may without notice affect compliance and the expense of doing so may be recovered by adding the expenses to the tax roll for such property and collect them in the same manner as taxes.

## **20.0 Offences**

- (1) Every person who hinders or obstructs, or attempts to hinder or obstruct, any Officer exercising a power or performing a duty pursuant to this By-law is guilty of an offence as provided in section 426 of the Municipal Act, 2001.
- (2) Every Person who contravenes the provisions of the By- law is guilty of an offence and liable upon conviction to a penalty as set out in the Provincial Offences Act, R. S.O. 1990, c. P. 33, as amended.
- (3) The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision. Section 442 of the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

## **21. Miscellaneous**

- (1) If any provision of this By-law is inconsistent with the Municipal Act, the Public Transportation Act, the Highway Traffic Act, or any other Act, the provisions of the applicable Act shall prevail.
- (2) Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender also include female as well as male.