

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #32-18

BEING A BY-LAW TO ADOPT A POLICY TO REGULATE THE CONSTRUCTION OF ENTRANCES AND TO REPEAL BY-LAW #20-08

WHEREAS pursuant to the Municipal Act, Section 11(2) as amended, the Council has the authority to pass a By-law respecting the health, safety and well-being of the persons;

AND WHEREAS pursuant to the Municipal Act, Section 11(3) as amended, the Council has the authority to pass a By-law respecting highways;

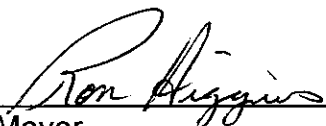
AND WHEREAS the Corporation of the Township of North Frontenac deems it necessary and expedient in the interest of public safety to regulate and approve the construction of entrances onto Township roads;

NOW THEREFORE the Council of the Corporation of the Township of North Frontenac hereby enacts as follows:

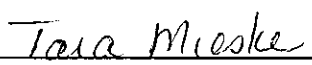
1. THAT the attached Schedule "A" which shall be read and form part of this By-law as the "Construction of Entrances Policy" is hereby adopted by Council.
2. THAT this By-law shall come into force and take effect on the date of its passing and be known as the "Construction of Entrances Policy".
3. THAT By-law #20-08 is hereby repealed in its entirety.
4. THAT all resolutions, by-laws or parts of by-laws which are contrary to or inconsistent with this By-law are hereby repealed.

READ a first and second time this 11th day of May, 2018.

READ a third time and passed this 11th day of May, 2018.



Mayor



Clerk

**SCHEDULE 'A' TO
BY-LAW #32-18**

**POLICY TO REGULATE THE CONSTRUCTION OF ENTRANCES WITHIN THE
TOWNSHIP OF NORTH FRONTENAC**

1. SHORT TITLE

1.1 This By-law shall be known as the "Construction of Entrances Policy".

2. DEFINITIONS

2.1 "Co

"Entrance" shall mean a road or driveway providing means of ingress and egress to a farm, private land, dwellings or commercial establishments that connects such lands or dwellings to a highway.

2.2 "Highway" shall mean any road or road allowance, either opened or unopened under the jurisdiction of the Township of North Frontenac, except where such highway is designated as a King's/Provincial Highway.

2.3 "Owner" shall mean the person who is the registered owner of the property according to the last revised assessment roll for the Township.

2.4 "Property" shall mean a separate parcel of land to which an assessment roll number has been assigned according to the last revised assessment roll for the Township.

2.5 "Township" means the Corporation of the Township of North Frontenac.

3. PURPOSE

3.1 This Policy will guide the Public Works Manager of the Township (or his/her designate) who has been given the responsibility by Council, to approve and regulate the construction of any new entrance onto a highway within the Township.

3.2 This Policy is to ensure that all new entrances within the Township comply with all installation and maintenance regulations set out herein, and that all new entrances receive written approval from the Public Works Manager prior to the commencement of construction of the new entrance. Without exception, all new entrances within the Township shall be assigned a civic address number in compliance with the application process as set out in the Township's Civic Addressing Policy.

3.3 This Policy will ensure that the Public Works Manager maintains suitable records.

4. APPLICATION REQUIREMENTS

4.1 No person shall construct an entrance onto a highway for the purpose of gaining access to the property prior to completing an "Application for Entrance Permit", and remitting applicable fees as set out in the Township's Fees and Charges By-law, and until the Public Works Manager has completed a site inspection and approved such entrance, and has assigned a civic address number for the property, if applicable, and without first obtaining a Permit from the Public Works Manager.

4.2 At the time of completing an "Application for Entrance Permit", the owner/contractor shall also complete and pay the applicable fees for an "Application for Civic Address Number", if applicable.

5. REGULATIONS FOR THE CONSTRUCTION OF ENTRANCES

- 5.1 All entrances must adhere to the regulations as set out in this Policy.
- 5.2 Failure to comply with this Policy shall result in the removal of the offending entrance by the Township at the owner's expense. (See Section 9 – Enforcement)
- 5.3 Nothing in the policy shall prevent the continuance of any existing entrance or driveway in existence prior to the incorporation of the Township of North Frontenac on January 1, 1998, unless the property use changes and/or the Public Works Manager determines the existing entrance to be unsafe/unsatisfactory.
- 5.4 Entrances for private, non-commercial lands or single family dwellings shall be a minimum of 5.3 metres wide (16 feet) at the edge of the travelled portion of the highway and shall be constructed in such a manner as to provide ingress and egress from both directions on the highway.
- 5.5 Commercial entrances shall be a minimum of 9 metres wide (30 feet) at the edge of the travelled portion of the highway and shall be constructed in the same manner as an entrance for a private dwelling.
- 5.6 Farm entrances shall be classed as private, non-commercial entrances.
- 5.7 Where, in the opinion of the Public Works Manager, a culvert is necessary to aid the flow of water along the highway, such culvert shall be a diameter of at least 38 cm (15 inches) and the length required shall be determined by the Public Works Manager. If, in the opinion of the Public Works Manager, a larger diameter culvert is required to provide adequate passage of flood waters, the minimum size shall be that specified by the Public Works Manager.
- 5.8 Installation of culverts shall be at the expense of the owner and shall be approved by the Public Works Manager prior to the actual installation of the culverts.
- 5.9 No entrance shall be constructed without there being a clear view of the highway surface for at least 45 metres (150 feet) in both directions and this clear view shall be maintained by the owner.
- 5.10 When removal of brush along the road allowance is required to provide such clear view, said removal shall be carried out by the owner at the owner's expense and shall be approved in advance by the Public Works Manager.
- 5.11 Notwithstanding Section 5.9, where a proposed entrance is on a hill having a greater than 10% slope, a minimum of 60 metres (200 feet) clear view of the highway surface is required.
- 5.12 No entrance shall be constructed so as to intersect a corner on an existing highway, unless approved by the Public Works Manager under special circumstances.

- 5.13 Notwithstanding the provisions of this Policy, the Public Works Manager may, in special circumstances, issue a Permit for an entrance which fails to meet one or more of the criteria set out, if, in the opinion of the Public Works Manager, in consultation with the Chief Administrative Officer of the Township, no reasonable alternate location is available and public safety will not be endangered.
- 5.14 In the case of an entrance constructed under an approved Permit, should the Public Works Manager require special warning signs to be erected in the interest of public safety, then said signs shall be erected at the entrance by the Public Works Manager, at the owner's expense, and thereafter maintained by the Township.
- 5.15 Any new entrance on a private road within the Township, shall be assigned a new civic address number in compliance with the Township's Civic Addressing Policy.

6. MAINTENANCE RESPONSIBILITY

- 6.1 Normal culvert maintenance and/or repair (i.e. seasonal cleaning-out and including replacement of existing culverts) shall be the responsibility and at the expense of the owner, save and except when the replacement of a culvert is required due to significant upgrade of a municipal highway and replacement has been deemed necessary by the Township. Such replacement will be the responsibility of the Township.
- 6.2 The owner shall maintain a clear view of the highway surface for at least 45 metres (150 feet) in both directions from the entrance, this also means that nothing shall be planted or constructed that would interfere with the safe view in the future. Brush removal along the road allowance to maintain the clear view is the responsibility of the owner at the owner's expense.

7. NOTIFICATION OF ENTRANCE PERMIT APPROVAL OR DENIAL

- 7.1 Upon completion of an inspection of the site for a new entrance by the Public Works Manager, notice shall be given to the owner for the approval or denial of the Entrance Permit by:
 - 7.1.1 personal service or
 - 7.1.2 mailing the notice by prepaid first class mail to the owner at the owner's last known address according to the last revised assessment roll for the Township.

8. ADMINISTRATION

- 8.1 The Public Works Manager shall be appointed the Entrances Coordinator for the Township and shall be responsible for the administration and enforcement of the Construction of Entrances Policy.
- 8.2 The Public Works Manager shall keep the Chief Administrative Officer for the Township informed of any major concern(s) with the construction of entrances.
- 8.3 The Public Works Manager is authorized to prepare and maintain an Application Form to request the required information from the Owner when applying for an Entrance Permit.

9. ENFORCEMENT

- 9.1 Any person who contravenes any of the provisions of this By-law shall, in addition to any other penalty provided for in this By-law, be guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000).
- 9.2 Upon final inspection by the Public Works Manager, if the new entrance fails to meet any of the regulations set out in this By-law, the Public Works Manager in consultation with the CAO shall issue an Order to the owner. The owner, at the owner's expense, shall make the necessary changes to the entrance within thirty (30) days of the date of the Order to meet regulations and pass the final inspection. Failure to comply by the owner shall result in the Township making the necessary changes, at the owner's expense, and if the owner does not pay all expenses to the Township within thirty (30) days, the Township shall add such expense to the tax roll for the property and collect the amount in the same manner as municipal taxes including penalty implications.
- 9.3 In the event an entrance is not maintained by the owner, as required by this By-law, and the situation continues for more than thirty (30) days after notice has been mailed to the owner as set out in this Policy, then the Township may remedy the condition in such a manner as deemed necessary, at the owner's expense, and if the owner does not pay all expenses to the Township within thirty (30) days, the Township shall add such expense to the tax roll for the property and collect the amount in the same manner as municipal taxes including penalty implications.