

**The Corporation of the Township of North Frontenac**

**By-Law #29-22**

**Being a By-law to Adopt a Policy to Regulate the Construction of Entrances and Repeal By-law #32-18**

**Whereas** the Municipal Act, 200, S.O. 2001, c.25, as amended Section 11(2) provides Council has the authority to pass a By-law respecting the health, safety and well-being of persons;

**And Whereas** the Municipal Act, Section 11(3) provides the Council has the authority to pass a By-law with respect to 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 for the Corporation of the Township of North Frontenac 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 **That** By-law #32-18 is hereby repealed.
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all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.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 8<sup>th</sup> day of April, 2022.

**Read** a third time and passed this 8<sup>th</sup> day of April, 2022.

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Mayor

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Clerk

## Schedule 'A' to By-law #29-22

### 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 "Council" shall mean the Council of the Corporation of the Township of North Frontenac.

2.2 "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.

2.3 "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 Provincial Highway.

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

2.5 "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.

2.6 "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.

4.3 An Owner working on a Township Road Allowance shall comply with all applicable policies, standards or By-laws for such work.

#### 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. A new application or permit may be required, at the sole discretion of the Public Works Manager.

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 as specified in Table 5.1, and this clear view shall be maintained by the Owner.

Table 5.1

Posted Speed Zone	Sight Line Required in both directions
40 km/hr.	45 metres
50 km/hr.	65 metres
60 km/hr.	85 metres
80 km/hr.	110 metres

5.10 Notwithstanding Section 5.9, where a proposed Entrance is on a hill having a downgrade greater than 3%, the clear view specified in Table 5.1 shall be increased by 20%.

5.11 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.

5.12 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.

5.13 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.

5.14 Entrances on private lanes are not governed by the Township and do not require an Entrance Permit, but shall require a new civic address number in compliance with the Township's Civic Addressing Policy,

5.15 A new Entrance must be constructed beyond the outside edge of the shoulder of the Highway and not encroach onto the shoulder. The Entrance material and grading shall prevent the wash or erosion of material onto the shoulder or road surface.

5.16 A new Entrance shall be constructed with a grade between -3% (down) and +0.5% (up) over a length of 5 metres measured from the outside edge of the shoulder. The desired maximum grade on an Entrance beyond the 5 metre platform is (+/-) 6%.

5.17 The Entrance shall, as nearly as practical, intersect the Township Road at 90 degrees. In exceptional circumstances, the Public Works Manager may authorize an intersection with not less than 70 degrees.

5.18 The removal or relocation of utilities or other fixtures on the Road Allowance to accommodate the Entrance is the Owner's responsibility. The Owner shall be responsible for all coordination and costs; and the work is subject to the approval of the Public Works Manager.

5.19 Beyond the Entrance there shall be an area constructed sufficient to turn or maneuver a vehicle without the need to back into or out of the Entrance and onto the Township road.

## 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, in accordance with Table 5.1, in both directions from the Entrance. Nothing shall be planted or constructed that would interfere with the clear view in the future. Any clear view issues not addressed by routine Township brushing and or maintenance activities will be the responsibility of the Owner and 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;

7.1.2 Email at the address provided on the Application for Entrance Permit ; 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 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 for Entrance Permit 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 Chief Administrative Officer 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.