

THE CORPORATION OF THE TOWNSHIP OF FARADAY

BY-LAW NO- 27-2007

Being a By-Law to regulate the establishing of Entrances to Township Roads

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 8 confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 11., provides that a municipality may pass By-Laws respecting drainage and floor control;

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

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 96., provides that a municipality may exercise its powers for the purpose of preventing damage to property as a result of flooding;

AND WHEREAS it is deemed expedient to provide for the regulation of the size and mode of construction of culverts that cross any drain or watercourse situated on a Township Road;

NOW THEREFORE the Council of the Corporation of the Township of Faraday **ENACTS AS FOLLOWS;**

1. An entrance for the purpose of this By-Law is a private road, entranceway, gate or other structure of facility constructed or used as a means of access to a public highway under the jurisdiction of the Township of Faraday and includes the tiling and covering or filling in of a roadside ditch for the purpose of improving lawn frontage.
2. No person, including a Municipality or a Local Board thereof, shall construct an entrance except in accordance with the conditions of a permit issued therefore by the Township Road Superintendent.
3. Restrictions and specifications relating to the issuance of an entrance permit are set out and specified in Schedule "A" attached hereto.
4. An established fee for this permit shall be payable upon the issuance of the permit and before any work is commenced, and the fee shall be as set out in Schedule "B" attached hereto and forming part of this By-law.
5. A copy of the Application for Entrance Permit to be obtained will be as set out in Schedule "C" attached hereto and forming part of this By-law.
6. A copy of the Entrance Permit to be issued will be as set out in Schedule "D" attached hereto and forming part of this By-law.
7. Any entrance established contrary to the provisions of this By-Law may be removed by the Township and the cost of such removal shall be paid by the owner before an entrance permit is issued.
8. The Township of Faraday shall maintain and replace as becomes necessary any culvert installed under the provisions of a permit and shall maintain the surface of the entrance from the edge of the travelled portion of the road to the outer edge of the shoulder.
9. Any person who contravenes any of the provisions of this by-law shall be subject to the penalties as determined under Section 61 of The Provincial Offences Act, R.S.O., 199 Chapter P.33. In respect to Short Form Warnings and Set Fines under Part 1 of The Provincial Offences Act the set amount and appropriate wording will be determined by the Chief Judge of Ontario.

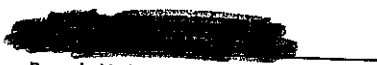
THAT this By-law repeals all previous By-laws and/or Motions of Council pertaining to same.

Read a First, Second and Third time This the 4th Day of July, 2007.


C. A. Tinney - Reeve


Brenda Vader - Deputy-Clerk

I, Brenda Vader, Clerk of the Township of Faraday do hereby certify this to be a true copy of By-Law 27-2007, as passed in an open meeting of Council held on July 4th, 2007


Brenda Vader
Clerk-Treasurer

SCHEDULE "A"

To By-Law No. 277 - 2007

ENTRANCES

An entrance permit must be obtained before work is commenced on the construction of an entrance to a Township Road within the limits of the right-of-way.

Types of Entrances

Residential: A residential entrance is an entrance from a private residence or a private farm and is used primarily by the persons living on the property as a means of access to the highway.

Commercial: A commercial entrance is an entrance from a commercial establishment of any kind and includes an entrance to an apartment house or multi-family dwelling serving more than four dwelling units.

Restrictions:

A residential entrance may be constructed at any location except within 30 m of a bridge measured from the deck or from the nearest part of the structure that interferes with the clear vision of the traffic using the entrance in an area where the speed limit is 80 KPH or more, or onto a daylighting reserve, or in any location where, in the opinion of the Township Road Superintendent, an entrance cannot be constructed to meet the specifications of the Township.

A commercial entrance must be constructed according to the Commercial Site Access Standards established by the Ministry of Transportation of Ontario and subject to the following restrictions:

- (a) Access to a Township Road from properties adjoining a traffic interchange, cloverleaf, or channelization is prohibited.
- (b) Access across a daylighting area is prohibited.
- (c) A commercial entrance is prohibited in a 80 KPH speed zone when the clear vision for traffic using the entrance is less than 60 m in each direction.
- (d) Where the speed permitted is less than 80 KPH, an entrance is prohibited where the clear vision for traffic using the entrance is less than 45 m in each direction.

A Residential Entrance may not be used as a Commercial Entrance without obtaining another Entrance Permit, and making any revisions to the existing entrance as the permit may require to make it conform to the Commercial Entrance Standards.

Specifications:

The minimum width of an entrance is 5 m. The minimum size of a pipe or culvert is 400 mm and the length is 6 m. Greater size and length may be required in certain locations to provide for the flow or the depth of the ditch. Standard pipe, culverts and materials approved by the Township Road Superintendent must be used, and, if the entrance is such that a bridge is required the design of the bridge is subject to the approval of a qualified Engineer. The use of hot water tanks, barrels, concrete blocks or badly deteriorated corrugated iron pipe in place of standard material is prohibited.

Each entrance must be designed, constructed and maintained in such a manner as to prevent the discharge of surface water from the entranceway or from private property onto the travelled portion of the road. Following Ontario Provincial Drawings 301.010, 101.020 or 301.030 will make your entrance comply.

The Owner / Agent must construct each entrance, including the installation of a pipe or culvert and other work pertaining to the entrance and the cost of the construction is to be borne by the applicant.

The Township will maintain the surface of the entrance from the edge of the travelled portion of the road to the outer edge of the shoulder. An entrance that is constructed or used contrary to the provisions of this by-law or contrary to the requirements of the entrance permit will not be maintained by the Township, and if the infraction warrants, the entrance may be removed by the Township at the owner's expense.

SCHEDULE "B"

To By-Law No. 27-2007

Respecting Fees

**Entrance Permit Fee \$200.00;
(\$100.00 refundable after installation and approval by Road Superintendent.)**

SCHEDULE "C"

To By-Law No. 27-2007

**TOWNSHIP OF FARADAY
APPLICATION FOR ENTRANCE PERMIT NO. _____**

APPLICATION IT HEREBY MADE TO:

- Construct an _____ Unpaved entrance _____ Paved Entrance
_____ Change the design of an existing entrance _____ Relocation of an existing entrance
_____ Use an existing entrance for other than its original, present or normal use, change of classification from Residential to Commercial, etc.
_____ Construct a temporary entrance or use any part of the Right-of-way of a Highway as a means of temporary access to and from a property

DESCRIPTION AND LOCATION OF PROPERTY

On Property of (Owner of Property) _____
Address _____
Of _____
Owner _____
Lot No./ Concession _____ Plan No. _____
Township of Faraday, County of Hastings.
On the _____ Side of _____
(Name of Road)
Approximately _____
(Miles / KM) (North, South, East or West)

(Closest identifiable land mark, intersection or neighbor)

CLASSIFICATION USE PURPOSE AND DETAIL OF ENTRANCE
(Detailed Description of Type of Establishment to be served by Entrance)

Access required for: _____
(Commercial / Residential/Other)
Conditions: _____

Approximate distance of visibility to the Right _____ to the Left _____

A FEE IN THE AMOUNT OF \$ _____ IS ENCLOSED, MADE PAYABLE TO THE TOWNSHIP OF FARADAY. DATED AT _____ THIS _____ DAY OF _____, 20____
PHONE NO. _____
NAME _____ ADDRESS _____
CITY _____ POSTAL CODE _____ SIGNATURE _____

APPLICANTS DO NOT WRITE BEYOND THIS LINE

TOWNSHIP ACTION
_____ APPROVED _____ NOT APPROVED DATE _____
SIGNATURE _____
REMARKS/SPECIAL CONDITIONS

SCHEDULE "D"

To By-Law No. 27-2007

**TOWNSHIP OF FARADAY
ENTRANCE PERMIT**

This permit issued to _____

Address _____

As a means of access to: _____

Lot: _____ Concession: _____

Road and Location: _____

SUCH ENTRANCE SHALL NOT BE USED AS A MEANS OF ACCESS TO ANY TYPE OF ESTABLISHMENT OTHER THAN THAT DESCRIBED HEREIN.

Entrance to be: _____ constructed _____ altered

Culvert Required _____ yes _____ no

Entrance Permit \$200.00 (\$100.00 refundable upon approval of Road Supt)

The issue of this permit by the Township does not relieve the holder of the responsibility of complying with relevant Municipal By-Laws.

Inspection Complete

DATED AT THE TOWNSHIP OF FARADAY THIS _____ DAY OF _____, 20____

Authorization for refund of \$100.00 _____

Signature – Scott Laundry
Road Supt.
Township of Faraday