

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BYLAW NO. 2024-04

Being a Bylaw to regulate the installation and usage of entranceways and to prohibit the obstruction of certain drains.

WHEREAS the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, provides that a municipality may pass by-laws to prohibit or regulate the construction or alteration of any private road, entranceway, gate or other structure or facility that permits access to a road and any change in use of any private road, entranceway, gate or other structure or facility that permits access to a road, and also for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or water course situated on a highway under the jurisdiction of the municipality; and for prohibiting the obstruction of any drain on a water course;

AND WHEREAS it is deemed expedient to regulate the installation and use of entrance ways over ditches and water courses upon or providing outlet to any roadway forming part of the Township of North Dundas Road System that is under the jurisdiction of the Corporation of the Township of North Dundas.

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

1.0 Short Title

That this Bylaw shall be known as the "Entranceways Bylaw".

2.0 Definitions

- 2.1 "Applicant" means any person, group or corporate body who applies to the Corporation for permission to construct or repair an entranceway;
- 2.2 "Corporation" means the Corporation of the Township of North Dundas;
- 2.3 "Entranceway" means any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means of access and/or egress to and/or from a roadway under the jurisdiction of the Corporation, herein defined as a Township Road, and includes the tiling and covering or filling in of a roadside ditch for any purpose whatsoever;
- 2.4 "Officer" means a Municipal Law Enforcement Officer appointed by the Township under Section 15 of the *Police Services Act, R.S.O. 1990, cP.15*
- 2.5 "Temporary Entranceway" is an entranceway that will be used for a short period of time to permit construction or other short-term access. All temporary entranceways will be removed on or before six months from the granting of the permit.

3.0 Permit Requirements

- 3.1 No person shall construct, repair, alter, or change the use of an entranceway onto a Township Road unless and until the prescribed fee has been paid and a permit has been issued by the Corporation.
- 3.2 A permit shall be effective and valid upon the completion of the terms and conditions contained therein.

- 4.0** No person shall change the use or classification of any entranceway onto a Township Road unless a permit has been issued by the Corporation and the terms of that permit have received compliance including the payment of the prescribed fee.
- 5.0** The granting of a permit shall be subject to provisions of this by-law and shall be issued on behalf of the Corporation by the Director of Transportation Services or designate.
- 6.0** The cost of construction, repair or alteration of all entranceways, including construction of catch basins, curbs, gutters, islands or other necessary appurtenances, shall be borne entirely by the applicant.
- 7.0** The locations and modes of construction and repair of all entranceways shall be in accordance with standards and specifications established by the Director of Transportation Services, from time to time, and approved by the Council for the Corporation.
- 7.1 Residential entranceway culverts can be up to a total length of 9 meters. Special culvert length provisions may be made by the Director of Transportation or their designate with regards to the depth of the entranceway culvert below the surface.
- 7.2 Agricultural entranceway culverts can be up to a total length of 15 meters. Special culvert length provisions may be made by the Director of Transportation or their designate with regards to the depth of the entranceway culvert below the surface.
- 7.3 Head walls, retaining walls or structures (i.e. pillars, timber/railway tie/ block/ stone/ brick walls or any other type of material) at culvert ends shall not be permitted within the Township's Road allowance on roads with a speed limit greater than 50 km/h. These shall be removed by the applicant upon written direction issued by the Director of Transportation. The Township will not be responsible for replacing any structures connected with any entrance while doing any maintenance work within the road allowance.
- 7.4 Where an existing entrance is affected by the reconstruction of a Township Road or the reconstruction or cleaning of a ditch, the Township shall reinstate, existing residential entrances at the Township's cost, to match the existing layout or the current standards applicable under this by-law (whichever is greater as circumstances dictate) provided the entrance is deemed safe in the sole discretion of the Township. Commercial entrances impacted by Township-initiated work will be reinstated in accordance with an applicable standard for the current commercial use. Restoration of surfaces will be with gravel (for non-paved entrances) or asphalt (for any hard-surfaced entrance). Reinstatement will be limited to the area physically disturbed during the work. Concrete and paver stone surfaces will not be replaced by the Township. Where there is more than one entrance onto a Township Road, the multiple entrances will be reinstated as above unless the entrance poses a safety concern, or, if otherwise agreed between the Township and the landowner.

8.0 OBSTRUCTION

- 8.1 No person shall obstruct any drain or water course either situated on a Township Road Allowance or providing an outlet for water discharged from a Township Road Allowance.
- 8.2 Any person found to be obstructing a drain or water course, as provided in 8.1, shall, when requested by the Director of Transportation Services, or his designate to do so, remove the obstruction and in default thereof, same shall be

done by the Corporation at such person's expense, and the cost recovered by the Corporation.

- 9.0** A person wishing to construct a temporary entranceway shall obtain a permit before constructing the temporary entranceway. The fee for a temporary entranceway permit shall be half the amount of a permanent entranceway fee to be determined by the Council for the Corporation, and will include an amount to cover the removal of said entrance and an administration fee.
- 10.0** All entranceway permits shall be prepaid. The fee shall be established on an annual basis by the Director of Transportation Services and approved by the Council for the Corporation and which shall include inspection and administration costs.
- 11.0** No permanent entranceway will be installed between December 1st and April 15th of any year unless a specific exemption to this clause is issued by the Director of Transportation Services, or their designate.
- 12.0** An application for an entranceway that is not covered by the provisions of this by-law may without affecting the continued application of the provisions herein, and with the concurrence of the Council for the Corporation, be accepted and approved for the issuance of a permit.

13.0 COMPLIANCE

- 13.1 In the case that an entranceway or obstruction of any drain or water course either situated on a Township Road Allowance or providing an outlet for water discharged from a Township Road Allowance does not satisfy the standards of the Corporation:
- 13.1.1 A registered letter shall be sent to the resident stating that their entranceway for use of access to a specific roadway must be rectified;
- 13.1.2 If after 30 days, the entranceway has not been rectified to the satisfaction of the Corporation, a second registered letter shall be sent to the resident notifying them that action must be taken to rectify their entranceway within 15 business days of the date on which the second registered letter was sent, and if action is not taken, the Corporation will then have authority to rectify the issue and bill the resident for the work, and;
- 13.1.3 If the resident does not pay the bill issued by the Corporation for the work that was completed, the amount shall be added to the resident's taxes.

14.0 ENFORCEMENT

- 14.1 An Officer may enter upon land, at any reasonable time, for the purpose of carrying out an inspection to determine whether any of the following are being complied with:
- 14.1.1 The provisions of this Bylaw;
- 14.1.2 A notice sent pursuant to this Bylaw; or,
- 14.1.3 An order made under section 431 of the *Municipal Act, S.O. 2001, c25*, as amended.
- 14.2 The Township, its employees, Officers and agents may enter onto the land, at any reasonable time, for the purpose of carrying out the work described in Section 13.

14.3 No person shall hinder, obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty.

15.0 OFFENCES

15.1 Any person who contravenes any provisions of this Bylaw is guilty of an offence and, upon conviction, is liable to a fine as provided for by the *Provincial Offences Act, R. S. O. 1990, c. P.33*, as amended.

15.2 Where a person is convicted of an offence under this Bylaw, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

15.3 If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force.

16.0 That Bylaw 2021-64 is hereby repealed.

17.0 That this Bylaw shall come into force and effect on the date of its passing.

READ and passed in Open Council, signed and sealed this 18th day of January, 2024.

MAYOR

CLERK