

The Corporation of the Township of Strong

BY-LAW # 2009-1598

BEING A BY-LAW TO PERMIT AND REGULATE THE SIZE AND MODE OF CONSTRUCTION OF CULVERTS AND ENTRANCE WAYS WHICH CROSS ANY DRAIN OR WATERCOURSE ON A PUBLIC HIGHWAY UNDER THE JURISDICTION OF THE CORPORATION

WHEREAS Section 27(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a Municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;

AND WHEREAS it is desirable and expedient that the Corporation of the Township of Strong regulate the entrance ways and placement of culverts on public highways under Council's control;

NOW THEREFORE the Council of the Corporation of the Township of Strong enacts as follows:

1. **THAT** an entrance way, for the purpose of this by-law, is any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means to a Township road and includes the tiling and covering of a roadside ditch for the purpose of improving a lawn or other frontage.
2. **THAT** no entrance, culvert or bridge over any ditch or watercourse or adjacent to any Township road may be constructed without approval by the Road Superintendent of the Corporation.
3. **THAT** an application, as set out in Schedule 'A' attached hereto, must be received before any work commences and includes an application fee of \$300.00, which consists of a \$250.00 deposit and a \$50.00 administration fee, payable to the Township of Strong.
4. **THAT** the application mentioned in Schedule 'A' is to be used for all new entrance ways or, where substantial changes to existing entrance ways are proposed.
5. **THAT** the location of the entrance must be approved by the Road Superintendent to ensure public safety and convenience and to provide favourable sight lines, grade and alignment for all traffic using the proposed access and roadway; no undue interference with the safe movement of traffic and will not adversely affect other properties.
6. **THAT** the diameter, gauge, length and type of culvert to be used shall be determined by the Road Superintendent.
7. **THAT** land owners shall purchase and install, or have installed, the approved culvert.
8. **THAT** all land owners, or their contractors, installing an entranceway/culvert are responsible for damage to the traveled portion of the highway, street or road as a result of the construction. The Township may effect the repairs at the cost of the land owner.
9. **THAT** the Road Superintendent is hereby authorized, in the event an entranceway/culvert has been installed or improved to an unacceptable standard, to effect such installation or repair as necessary, at the expense of the assessed owner of the benefitting property.
10. **THAT** the deposit portion of the required fee shall be returned to the applicant following the completed construction of the entrance way/culvert and its approval by the Road Superintendent. There shall be a maximum of six months from the date of approval for the completion of construction. Failure to complete construction and receive final approval in this time period will result in forfeiture of the deposit to the Corporation. A temporary entrance for a maximum period of six months may also be approved and which also requires an application and

the payment of the fee. Failure to remove the temporary entranceway/culvert within the approved time period will result in forfeiture of the permit fee to the Corporation.

11. **THAT** entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.
12. **THAT** no person shall apply asphalt or other hard surface to that portion of an entrance way on the road allowance except under written authorization from the Road Superintendent. No concrete surfaces are permitted on that portion of the entrance way that is over any part of the road allowance of the Corporation.
13. **THAT** the Corporation shall, after the final inspection and approval by the Road Superintendent, maintain and replace from time to time as required, all culverts and structures installed under this by-law. The maintenance of the driving surface of all entrance ways shall be the responsibility of the applicant or land owner to whom the entrance way gives access. The Council of the Corporation reserves the right to make policy decisions on the timing and scope of replacement of culverts as dictated by financial constraints in place within the Corporation from time to time.
14. **THAT** any abandoned entrance requires a new entrance permit.
15. **THAT** second and subsequent entrance ways shall only be permitted by written authorization and approval by the application process by the Road Superintendent and shall be expressly at the expense of the land owner. Such land owner will be required to file a statement with the Corporation acknowledging that the undertaking and all future maintenance is at his expense and shall be done under the direction of the Road Superintendent.
16. **THAT** if the work to be done by the person directed or required to do so is in default, such matter or thing shall be done by the Corporation at the expense of the property owner and the Corporation may recover the expense incurred by the forfeiture of the required application deposit, plus all other associated costs in the same manner as municipal taxes.
17. **THAT** every person who contravenes the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as determined under the Provincial Offenses Act.
18. **THAT** this by-law shall take force and come into effect upon the third and final reading thereof.

Read a First, Second, Signed, and the Seal of the Corporation affixed thereto and finally passed in open Council this 11th day of August, 2009

READ A THIRD TIME AND FINALLY PASSED ON A MOTION BY Christine Ellis
AND SECONDED BY J. D. Newstead THIS 11th DAY OF August, 2009

MAYOR, STEPHEN RAWN

CLERK, LINDA MAURER

SCHEDULE 'A' TO BY-LAW # 2009-1598

PERMIT # _____

PROPERTY ROLL # _____

**TOWNSHIP OF STRONG
ENTRANCE PERMIT**

APPLICATION FOR APPROVAL (VALID 6 MONTHS FROM DATE OF ISSUE)

NAME OF APPLICANT: _____ DATE: _____

ADDRESS OF APPLICANT: _____ DEPOSIT: _____

TELEPHONE #: _____ DEPOSIT RECEIVED BY: _____

ROAD NAME: _____

NORTH/SOUTH/WEST/EAST SIDE OF ROAD (CIRCLE ONE)

LOT NO. _____ CONCESSION: _____ PLAN _____

DRAW SKETCH SHOWING LOCATION OF LOT ENTRANCE & DISTANCE OF ENTRANCE FROM NEAREST BOUNDARY AND STAKE LOCATION.

WILL THIS BE A TEMPORARY OR PERMANENT ENTRANCE (CIRCLE ONE)
IF TEMPORARY # OF DAYS REQUIRED ____ FROM _____ TO _____

REASON FOR ACCESS (I.E. BUILDING NEW HOME OR COTTAGE, ACCESS TO WOOD LOT, LOGGING, ETC)

MUNICIPALITY OF _____ -IF OTHER THAN STRONG

This Section Office Use Only

APPROVALS:

CULVERT REQUIRED: NO YES CULVERT DIAMETER _____

CULVERT TYPE: _____ LENGTH: MIN _____ MAX _____

COMMENTS: _____

APPROVED FOR INSTALLATION AS SPECIFIED:

SUPERINTENDENT: _____ DATE: _____

FINAL INSPECTION OF INSTALLATION AND APPROVAL:

SUPERINTENDENT: _____ DATE: _____

NOTE: APPLICANT MUST RETURN THIS FORM WHEN REQUESTING FINAL APPROVAL.

For temporary entrances, entrance to be returned to original condition after logging operation. Road Foreman to inspect and give approval before deposit returned. No logs/equipment to be parked on the road or road allowance.

INSTRUCTIONS FOR COMPLETING ENTRANCE APPROVAL APPLICATIONS

NAME, ADDRESS, AND TELEPHONE NUMBER

Print your name, present mailing address, and telephone number.

I. **ROAD NAME**

Print the local road name at the proposed entranceway with the Lot #, Concession #, and Plan # (if any).

II. **SKETCH**

Please draw a sketch in the area provided showing the location of the proposed entranceway to assist the Road Foreman in locating the site. Stake and tag the desired location.

This policy governs the size and mode of construction of entrance ways, culverts, and bridges over drains, ditches, and watercourses on Township road allowances, and fees for permits and other charges pursuant to the Township of Strong:

- A. The fee for an Entrance Permit is **\$50.00** and will be in effect for six months. If a renewal is required, the fee is **\$50.00** and is valid for a six month period.
- B. Payment in the amount of \$300.00 is required. This amount will be deposited in the Township account. A Township cheque for \$250.00 will be returned upon final approval by the Road Foreman.
- C. The minimum size of culvert is 15 inches in diameter and 20 feet in length.
- D. Culvert Installation: First and foremost, be sure there is no clay under the culvert. If there is, it must be dug out to below the frost line. Then refill the hole with B Gravel (do not use sand) to the bottom of the ditch. Then install the culvert and cover it with B Gravel. If there is sod around, place some on each end to prevent erosion.

'A' Gravel on road bed

6" cover of 'B' Gravel preferred over culvert

'B' Gravel	Culvert
	Bottom of Ditch
'B' Gravel	
Frost line	(approximately 4' below road bed)
'A' Gravel	= Crushed gravel
'B' Gravel	= Pitrun (3" rocks or smaller)

If no clay is evident, culvert can be set at ditch bottom.

I. **DEPOSIT**

Entrance Approval applications require a \$300.00 deposit made payable to the Township of Strong (Fee - \$50.00, Security - \$250.00).

Upon completion of the application form, return to the Township Office. The deposit must accompany the application.

The location approval will require one to two weeks after which you will receive a notification that you may proceed to install the entrance. Work on the entrance must not begin until you have received approval.

II. **FINAL APPROVAL**

If the work has been properly completed, your deposit (\$250.00) will be returned to you. Please allow two weeks for Final Approval.

III. **PLEASE NOTE:**

Final approval is based on the culvert installation as of the date of approval. If the culvert heaves or sinks in the future, the owner is responsible for driveway repairs/maintenance. The Township will replace the culvert in the future when the culvert has deteriorated.

The owner is expected to keep the culvert clear of debris. In extreme circumstances the Township will thaw frozen culverts and clear of debris to ensure drainage through the municipal ditches.

IF AN INDIVIDUAL IS REQUESTING TO BUILD A TRAIL OR ROAD ON AN UNOPENED ROAD ALLOWANCE THEN THAT PERSON WILL BE RESPONSIBLE FOR INSTALLING CULVERTS (SUBJECT TO THE ROAD FOREMAN'S APPROVAL ON THE UNOPENED ROAD ALLOWANCE)