

THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NO. 20-2012

BEING A BY-LAW TO REGULATE THE ESTABLISHMENT OF ENTRANCES TO TOWNSHIP ROADS IN
THE TOWNSHIP OF FRONTENAC ISLANDS

WHEREAS the council of the Township of Frontenac Islands deems it necessary to regulate the establishment of entrances onto Township Roads;

AND WHEREAS under the provisions of the Municipal Act, 2003, Section 11(6) and Section 96, by-laws may be passed by municipalities for prohibiting the obstruction of any drain or watercourse and for requiring the persons causing the obstruction to remove it, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under the jurisdiction of the municipality;

AND WHEREAS the Council of the Township of Howe Island enacted By-Law No. 90-6 to regulate the establishing of entrances to township roads;

AND WHEREAS the Council of the Township of Frontenac Islands wishes to adopt the By-Law 90-6 of the former Township of Howe Island;

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

1. For the purposes of this By-Law, it is understood that those duties which are set out as being a responsibility of the Township Roads Department shall be performed by the Township Road Superintendent when he is available, although in the absence of the Superintendent, such duties may be performed by a qualified member of the Roads Department other than the Superintendent.
2. An entrance for the purpose of the By-Law is a private road, entranceway, gate or other structure or facility constructed or used as a means of access to a public highway under the jurisdiction of the Township of Frontenac Islands and includes the tiling and covering or filling in of a roadside ditch for the purpose of improving lawn frontage.
3. No person, including a municipality or local board thereof, shall construct an entrance except in accordance with the conditions of a permit issued therefore by the Township Roads Department. An entrance permit shall be transferable from one owner of the land to any subsequent owner of that land.
4. Restrictions and specifications relating to the issuance of an entrance permit are set out and specified in Schedule 'A' to this By-Law, which is attached to this by-law.
5. A written application for an entrance permit shall be required, and any application shall state the specifications that shall be required of the installation. The installation shall be inspected and approved by the Township Roads Department before it may be used. Special permission must be given in writing by the Roads Department for culverts other than corrugated steel construction.
6. In any case in which the installation of a culvert shall be required, the Roads Department shall state in writing the time granted to have the culvert installed by the landowner keeping in mind the season of the year and the time schedule for that particular construction. The maximum time to be allowed shall be six (6) months. Once the six months allowance has elapsed, the Township shall assume responsibility for the culvert installation, at the expense of the landowner, unless prior arrangements have been made by the landowner with the Roads Department.
7. The first culvert is to be installed in a location shall be the responsibility of the landowner. The Township shall maintain any culvert installed under the provisions of the entrance 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 of the road. The Township shall be responsible for the replacement of any culvert that is installed under the provisions of an entrance permit, at such time that becomes necessary.

8. If a culvert is deemed not necessary by the Roads Department, a fee of five hundred dollars (\$500.00), including inspection, shall be charged and placed in road reserves in the appropriate District to be used for future road rehabilitation.

9. At the time of applying for a building permit, the applicant for an entrance permit shall be required to pay the fee for an entrance permit to the Township, in the amount of eight hundred and fifty dollars (\$850.00) which shall be held by the Township. At such time as the culvert and/or entrance has been installed and inspected to the satisfaction of the Roads Department, the fee of \$850.00 less an inspection fee of \$40.00 and an Administration fee of \$10.00 shall be refunded to the applicant. If it becomes necessary for the Township to assume responsibility for the culvert installation, the cost of such installation shall be deducted from the \$850.00 fee, and any balance remaining after the culvert is installed properly shall be returned to the applicant.

10. Any entrance and/or culvert established contrary to the provisions of the By-Law. Including Schedule "A" to this By-Law may be removed by the Township or its agent, and the cost of such removal shall be charged against the landowner involved, and may be added to the collector's roll as taxes.

11. Every person who contravenes the provisions of this By-Law is guilty of an offense, and on conviction is liable to a fine of not more than \$2000.00, as provided in The Municipal Act.

12. By-Law No.90-6 of the Township of Howe Island is hereby repealed. All other By-Laws, resolutions or other actions of Council which are not consistent with the provisions of this By-Law are hereby repealed or rescinded, as the case may be.


13. This By-Law shall be deemed to have full force and take effect upon the date of its final passing.

Read a first and second time this 13th day August 2012.

Read a third time, passed and signed and sealed by the Mayor and the Clerk this 31th day of August, 2012.



Mayor Denis Doyle



Terry O'Shea, Clerk/CAO Clerk

Attachment - Schedule "A"

SCHEDULE "A"

BY-LAW NO. 20-2012

TOWNSHIP OF FRONTENAC ISLANDS

ENTRANCES

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

TYPES OF ENTRANCES

Residential – A residential entrance is an entrance from a private residence or a private right-of-way 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 acceptable to the Township of Frontenac Islands except, (a) within 30 metres to the end 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 kilometres per hour, or (b) onto a daylight reserve, or (c) a minimum of 1.5 metres from the property line – the exact location of an entrance shall be stated on the entrance permit issued by the Township, and (d) this amendment also applies to a commercial entrance.

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 or channelization is prohibited.

(b) Access across a daylighting area is prohibited.

(c) A commercial entrance is prohibited in a 80 kilometre an hour speed zone when the clear vision for traffic using the entrance is less than 183 metres in each direction.

(d) Where the speed permitted is less than 80 kilometres per hour, an entrance is prohibited where the clear vision for traffic using the entrance is less than 92 metres.

(e) In an area where the speed limit is 80 kilometres per hour, an entrance is prohibited within 145 metres of a bridge, measured from the deck or from the nearest part of the structure which actually interferes with the clear vision of traffic using the entrance,

(f) A minimum distance of 6 metres from the property lines.

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 recommended minimum width of an entrance is 5 metres (16 feet). If a culvert is required, the size and length of the culvert shall be a minimum diameter of 46 centimetres (18 inches), with specifications in each case established by the Township Roads Department, and a minimum length of 9 metres (30 feet). If an entrance is such that a bridge is required, the design of the bridge shall be subject to the approval of the Township Roads Department.

Each entrance must be designed, constructed and maintained in such a matter as to prevent the discharge of surface water from the entrance-way or from private property onto the travelled portion of the road.

An entrance that is constructed or used in a way that is not in accordance with the provisions of this By-Law, including Schedule "A" shall not be maintained by the Township, and if any infraction warrants in the opinion of the Township, the entrance may be removed by the Township at the owner's expense, as set out in Section 10 of this By-Law.

Commercial entrances must be constructed in accordance with the Commercial Site Access Standards established by the Ministry of Transportation of Ontario.

All pipes shall be constructed in the proper grade, as approved by the Township Roads Department, so as to provide for the free and unimpeded flow of water through the pipe.

This Schedule "A" forms part of By-Law No. 20-2012 and is to be read in conjunction with that by-law.