

**THE CORPORATION OF THE MUNICIPALITY
OF HASTINGS HIGHLANDS**

BYLAW 2016 - 052

**A Bylaw to regulate the location, construction and use of entrances on to
Municipal Roads for the Municipality of Hastings Highlands**

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 bylaws respecting drainage and flood control;

AND WHEREAS the Municipal Act, S. O. 2001, Chapter 25, Section 27 (1) provides that a municipality may pass bylaws 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 highway;

AND WHEREAS the Council of the Corporation of the Municipality of Hastings Highlands deems it necessary to regulate the location, construction and use of entrances on Municipal Roads;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS:

1. **THAT** an "entrance" for the purpose of this bylaw is any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means of access from private property to a Municipal Road under the jurisdiction of the Municipality of Hastings Highlands and includes the tiling and covering or filling in or a roadside ditch for the purpose of improving a lawn or other frontage. For the purpose of this bylaw, the definition of an entrance for logging, agricultural and/or aggregate purposes and is one that is used occasionally, on an annual basis, exclusively for logging, agriculture or aggregate extraction.
2. **THAT** a "Municipal Road" for the purpose of this bylaw shall mean a common and public highway or road in the Municipality of Hastings Highlands that is maintained by the Municipality of Hastings Highlands.
3. **THAT** no person shall construct, alter, or use any private road, entrance way structure, or facility, as a means of access on to a Municipal Road without first obtaining an entrance permit from the Municipality of Hastings Highlands, which application form is attached hereto as Schedule "A" to this bylaw.
4. **THAT** the construction of every entrance shall be carried out under the direction or supervision of the Operations Manager, or designate.
5. **THAT** notwithstanding the provisions of Section 1 of this bylaw, all existing entrances and laneways that have been established for agricultural, logging or aggregate purposes, cannot be converted to residential or commercial use unless the applicant first complies with all Sections of this bylaw and in particular with Section 3 of this bylaw.

6. **THAT** every entrance shall require a new CSA approved culvert, minimum 400 millimetres (15.75 inches) in width by 9 metres (29.5 feet) in length or one of sufficient size to accommodate the flow of water, unless it is determined by the Operations Manager, or designate, that a culvert is not required.
7. **THAT** the location of the entrance shall first be approved by the Operations Manager, or designate, to ensure maximum safety, visibility, and to minimize the possibility of interference with trees along the road or the creation of a maintenance problem. The minimum sight distance shall be satisfied in both directions.
8. **THAT** sightlines for every entrance shall be based on a measurement of 1.4 metre (4.59 feet) (vertical) from the ground or at the discretion of the Operations Manager, or designate. The following horizontal sightline distances shall be by road classification:

Non-Residential	Distance	Residential	Distance	Commercial	Distance
Class 6	60.96 m (200 feet)	Class 6	68.58 m (225 feet)	n/a	76.2 m (250 feet)
Class 5	68.58 m (225 feet)	Class 5	76.2 m (250 feet)	Class 5	91.44 m (300 feet)
Class 4	76.2m (250 feet)	Class 4	83.82 m (275 feet)	Class 4	106.68 m (350 feet)
Class 3	106.68 m (350 feet)	Class 3	121.92 (400 feet)	Class 3	137.16 m (450 feet)

9. **THAT** every applicant shall obtain an entrance permit; the administration fee being \$400.00 plus a deposit of \$100.00 for a total fee of \$500.00. Said entrance permit fee shall be paid for at the municipal office prior to the issuance of the permit. The entrance permit fee is non-refundable, subject to the discretion of the Operations Manager. If the entrance is not completed within one year of the date of the application, the permit shall be revoked and the roadway restored at the expense of the applicant. Upon completion of the entrance and upon final approval of the Operations Manager, or designate, the applicant may request, in writing, a refund of the sum of \$100.00.
10. **THAT** every person that applies for a new entrance shall also apply for an Emergency Response (E-9-1-1) number at the cost of \$50.00 plus \$6.50 HST for a total of \$56.50. This fee is non-refundable.
11. **THAT** the responsibility and the cost of constructing every entrance shall be borne by the owner(s)/applicant(s).
12. **THAT** no concrete structures are permitted on the road allowance as part of any entrance. The Operations Department and/or the Municipality of Hastings Highlands shall not be responsible for replacing any structures connected with the entrance or culvert.
13. **THAT** the maintenance of the driving surface of every entrance shall be the responsibility of the owner(s), (potholes, culverts, gravel, etc.) and maintaining negative cross-fall to the centre of the culvert line to a minimum of TWO (2%) per cent.
14. **THAT** where a Municipal Road intersects with another highway and the Municipal Road is not the through road, no entrance will be permitted at a distance of less than 30 metres (98.42 feet) from the through highway and must comply with regulations as set out by the authority having jurisdiction over the other highway.

15. THAT each assessed parcel abutting a Municipal Road shall be entitled to ONE (1) entrance permit only per parcel. A second entrance onto a Municipal Road shall not be permitted unless it is an auxiliary/field entrance used solely for agricultural subject to the discretion of the Operations Manager or designate.

16. THAT notwithstanding Section 15 hereof, any Commercial or Industrial Zone may have a maximum of TWO (2) entrances per parcel with the minimum spacing of 30 metres between entrances subject to the discretion of the Operations Manager or designate.

17. THAT no new entrance permits shall be given to existing lots of record which currently have an approved access whether shared or otherwise onto a Municipal Road without the express approval of the Operations Manager.

18. THAT any person who contravenes the provisions of this bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than \$250.00 and not more than \$500.00, exclusive of costs, and the Municipality of Hastings Highlands may remove the entrance at the expense of the owner(s).

19. THAT nothing in this bylaw shall prevent the use of any entrance that was legally in existence prior to the passage of this bylaw, providing the use has continued for that purpose.

20. COMING INTO FORCE

This Bylaw shall come into full force and effect on the date of passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 20th day of July, 2016.

Vivian Bloom, Mayor

Robyn Rogers, Clerk

CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS
Schedule 'A'
By-Law No. 2016-052

Municipality of Hastings Highlands
 33011 Highway 62, PO Box 130
 MAYNOOTH, Ontario K0L 2S0

ENTRANCE PERMIT APPLICATION

Permit No.: _____ Roll Number 12-90-_____-_____-_____

OWNER/APPLICANT

Name: _____ Address: _____

City/Town: _____ Postal Code: _____

Phone: _____ Fax: _____

To construct an _____ entrance,
 (field, farm, residential, temporary, reclassification, alteration, commercial, industrial, institutional, public, emergency)

Lot: _____ Concession: _____ Township: _____

Or
 Street No.: _____ Street: _____ Town/Village: _____

Please enclose a sketch of drawing on the back of this application showing the location and size of your property; also show your proposed location for your entrance. Please mark the location of the entrance with a **PROPOSED ENTRANCE** sign or entrance will not be approved.

Date of Application: _____ Signature: _____

Severance applied for? Yes No Severance Number: _____

Payment Required: (Options: Cash, Debit or Cheque)

Classification of Entrance	Permit Fee	Refundable Deposit*	Total
Field, Farm, Residential, Temporary, Reclassification, Alteration	\$500.00	\$100.00	\$500.00
Commercial, Industrial, Institutional	\$500.00	\$100.00	\$500.00
Public, Private, Emergency Road/911#	\$50.00 (+\$6.50 HST)	N/A	\$56.50

* Refund upon approval of the entrance installation, less amount by the Municipality to bring entrance to Municipal standards.

APPLICANT TO SUBMIT REQUEST FOR FINAL INSPECTION AND REFUND IN WRITING.

Where the entrance has not been constructed and accepted by the Township within one year of the date of the permit, then the permit shall be cancelled and the refundable deposit shall be forfeited. Contact the Municipality of Hastings Highlands prior to permit submission for refundable deposit requirements for Commercial, Industrial and Institutional entrances.

Requirements for Entrance – OFFICE USE ONLY	
Top Width: _____	Surface Type: _____
Length of Pipe: _____	Diameter of Pipe: _____ Thickness of Pipe: _____
Application Fee Paid: _____	Deposit Paid: _____
Special Conditions: _____	
Date of Issue: _____	
Signature of Manager of Transportation & Services	
Refund of \$100.00 granted _____ (initial& date)	Date of Final inspection: _____
G.L. #01-4700-6000	Operations Manager/Supervisor Signature