

CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW NUMBER 29- 2017

Being a By-Law to regulate the installation of entrance-ways upon all municipal roads in the Township of Greater Madawaska

WHEREAS the Municipal Act, 2001 provides that the Council of a local municipality may pass by-laws with respect to highways under their jurisdiction, and may exercise its powers as authorized under the "drainage and flood control" sphere of jurisdiction, pursuant to the Municipal Act, 2001;

AND WHEREAS it is deemed expedient to regulate the installation of entrance-ways over ditches and watercourses upon any public highway forming part of the township road system of the Corporation of the Township of Greater Madawaska;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska 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 of access to an open road, and includes the tiling and covering or filling in of a roadside ditch for the purpose of improving a lawn or other frontage. For the purpose of this by-law, 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** no other person shall construct an entrance-way for any purpose without first obtaining a permit from the Township, which application form is attached hereto as Schedule "A" to this by-law.
3. **THAT** notwithstanding the provisions of Section #1 of this by-law, all existing entrance-ways 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 Section #2 of this by-law.
4. **THAT** a ratepayer who requests an additional entrance-way to their property must obtain a permit from the Township. A detailed diagram of the property showing the location of the present entrance-way, measurements and distances of the proposed entrance ways will be required.
5. **THAT** all entrances shall require a new CSA approved 0.4m (16") culvert, 9m (30') minimum in length or one of sufficient size to accommodate the flow of water, unless it is otherwise determined by the Public Works Manager.
6. **THAT** the location of the entrance-way must first be approved by the Public Works Manager to ensure maximum safety and visibility.
7. **THAT** every applicant shall obtain an entrance permit at a cost in accordance with the schedule of fees. Said permit fee shall be paid at the Municipal Office prior to the issuance of the permit. Upon completion of the entrance-way to the satisfaction of the Public Works Manager the entrance-way shall be approved.
8. **THAT** if the entrance-way 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.

9. **THAT** the responsibility and the cost of constructing all entrances shall be borne by the owner of the subject property, or the applicant.
10. **THAT** the applicant and/or owner of the property which fronts on a Township roadway where drainage ditches are provided, shall be responsible for the maintenance and replacement of their driveway culvert and/or head walls and other end protection. As well, the applicant and/or owner shall be responsible for maintaining the surface of their driveway including any repair costs associated with cracking, heaving or settlement from the road line to the travelled portion of the road.
11. **THAT** the Township shall be responsible for the cleaning and flushing of sedimentation which accumulates in the culvert from the drainage ditch.
12. **THAT** the Township shall be responsible for the replacement of a driveway culvert if:
 - I. an enlarged size is required to handle ditch flows;
 - II. the driveway needs to be replaced as part of a reconstruction project;
 - III. adjustments are being made to the ditch to permit satisfactory ditch flows
13. **THAT** the Public Works Manager may make an exception if deemed necessary.
14. **THAT** the Municipality is responsible for Private Road entrances off of a Township maintained road. The responsibility does not go beyond the road allowance right of way.
15. **THAT** if the culvert has ice buildup the Municipality will steam the culvert at no charge to the owner.
16. **THAT** if the owner refuses to maintain /replace their culvert, the Municipality will do the work at the expense of the owner. The Municipality will send an invoice to the owner to recover the costs.
17. **THAT** any person who contravenes any of the provisions or part of this by-law is guilty of an offence and shall, upon conviction therefore, be liable to a fine as provided under the Provincial Offences Act. Such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990.
18. **THAT** This By-Law rescinds By-Law 07-2009
19. **THAT** this by-law shall come into force and take effect upon final passing thereof.

READ a first and second time this 23rd of May, 2017

READ a third time and passed this 23rd of May, 2017

Glenda McKay
Mayor

Allison Holtzhauer
CAO Clerk Treasurer

SCHEDULE 'A'

BY-LAW NUMBER 29- 2017

TOWNSHIP OF GREATER MADAWASKA

APPLICATION FOR ENTRANCE PERMIT AND/OR CIVIC ADDRESS
(Entrance Permit not required on Private roads/County Permit required on County roads)

For General Office Use

1. Name of Applicant/Authorized Agent _____
 Mailing Address _____
 Telephone _____ e-mail _____
 Roll Number _____
 Lot _____ Conc _____ Plan _____ Geographic Twp _____
 Township County Private Road Name _____
2. Attach GIS printout, clearly identifying the property where the permit is requested and closest civic address.

For Planning Use

4. Are there any planning concerns? Yes or No
5. Comments? _____

For Public Works Use

6. Please specify the road type this entrance will be accessing:
 Municipal Road _____ Municipal Seasonal _____ Private Road _____
 Shared Road Between Townships _____ Other Specify _____
7. Culvert Required Yes – proceed to next step
 No – proceed to step 11
8. Standard Culvert Required – 16” (0.4m) x 30’ (9m) Yes or No
9. If no specify size _____
10. Ditching Required Yes or No
11. Site inspection completed on (date) _____
12. Entrance approved Yes or No

Fee: Entrance \$100.00 Civic \$125.00 Date Paid _____



P.O. Box 180, 19 Parnell St., Calabogie, ON K0J 1H0

ENTRANCE PERMIT NO _____

This permit is granted to:

Name _____

Address _____

As a means of access to:

Lot__ Concession _____ On Municipal Road _____

Subject to the following conditions: _____

Terms:

1. It is understood by the applicant that all works will be constructed, altered, maintained or operated at the expense of the undersigned, and that work must not commence before a permit has been issued by the Public Works Manager.
2. The issuance of this permit does not relieve the holder of the responsibility of complying with relevant Municipal By-Laws.
3. Once the entrance-way has been completed to the satisfaction of the Public Works Manager, the entrance-way will be approved.
4. Failure to complete the entrance-way within one year from the date of permit issuance will result in forfeiture of the fee to the Township, and revocation of the permit.

Dated this _____ day of _____, 20 _____.

Jamie Doering, Public Works Manager

Landowner