



The Corporation of the Municipality of

# Central Elgin

## BY-LAW NUMBER 2640

**BEING A BY-LAW TO REGULATE THE USE OF HIGHWAYS, THE CONSTRUCTION, ALTERATION OR CHANGE OF ANY ENTRANCE, GATE OR OTHER STRUCTURE OR FACILITY THAT PERMITS ACCESS TO A HIGHWAY AND TO PROHIBIT THE DEPOSIT OF REFUSE AND DEBRIS ON THE SAME**

**WHEREAS** section 11(1) of the *Municipal Act, 2001* SO 2001 c 25 (the "*Municipal Act, 2001*") authorizes a lower-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public.

**AND WHEREAS** section 11(3) authorizes a lower-tier municipality to pass by-laws respecting highways and the health, safety and well-being of persons.

**WHEREAS** Council of the Corporation of the Municipality of Central Elgin deems it desirable and appropriate to regulate Entrances adjacent to Highways and prohibit Refuse and Debris from fouling a Highway;

**AND WHEREAS** the purpose of the Comprehensive Road Care, Use and Entrance By-law is to set criteria and design standards for implementing the approval, construction, and Alteration of Entrances, and to provide safe access to roads within the Municipality of Central Elgin;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN ENACTS A BY-LAW AS FOLLOWS:**

### SHORT TITLE

This by-law shall be known and may be cited as the Comprehensive Road Care, Use and Entrance By-law

### Section 1 - Definitions

For the purpose of this by-law:

- 1.1 'Adjacent Property' shall mean the property abutting a Highway or the Public Lands to which an Entrance is intended to provide access to and from a Highway;
- 1.2 'Alteration' shall mean any change to an existing Entrance including the surface, the width or the culvert.
- 1.3 'Clean' shall mean free of Refuse and Debris;

- 1.4 'Commercial – Industrial - Institutional Entrance' shall mean an Entrance to a Commercial, Industrial or Institutional zoned lot and shall include residentially zoned lots with five or more dwelling units.
- 1.5 'Council' shall mean the Council of the Corporation of the Municipality of Central Elgin;
- 1.6 'County' shall mean the Corporation of the County of Elgin;
- 1.7 'Curb Cut' shall mean any point at which the curb along a Highway is interrupted or depressed to provide Entrance to an Adjacent Property;
- 1.8 'Curb Line' shall mean the line of the curb, or, where no curb is constructed, the edge of the traveled portion of the Highway;
- 1.9 'Director' shall mean the Director of Infrastructure and Community Services for the Municipality of Central Elgin or designate.
- 1.10 'Entrance' shall mean an area of ingress and egress intended to provide vehicular access to an Adjacent Property from a Highway;
- 1.11 'Entrance Agreement' shall mean an agreement prepared by the Municipality for execution by the Municipality and an Owner as a condition for granting authorization to obtain an Entrance Permit to carry out Land Disturbance activities;
- 1.12 'Entrance Permit' shall mean a permit issued by the Director for an area of ingress and egress intended to provide vehicular access to an Adjacent Property from a Highway;
- 1.13 'Expense' shall mean any and all sums of money actually spent or required to be spent by the Municipality pursuant to any section of this by-law, and shall include but not be limited to all charges, costs, as twenty-five percent (25%) administrative fee, taxes, outlays, legal fees and losses;
- 1.14 'Field Entrance' shall mean an Entrance to an agricultural field forming part of a farm or to woodlots.
- 1.15 'Farm Entrance' shall mean an Entrance to farm buildings and other agricultural lands but does not include commercial activities related to agriculture such as abattoirs, tanneries and sales outlets, or manufacturing and processing activities involving farm crops or animal products.
- 1.16 'Highway' shall mean a Highway under the jurisdiction of the Municipality and as defined by the *Municipal Act, 2001* and the *Highway Traffic Act, 1990*;
- 1.17 'Land Disturbance' shall mean any man-made change or site alteration to the land surface through excavation, importation, grading and construction activities including removal of trees, vegetation, trenching, filling and grading not in compliance with the conditions approved in a Building Permit or Entrance Permit from the Municipality. Land Disturbance shall not include normal farming practices, activities approved under a building permit or entrance permit.

- 1.18 'Lot' shall mean a parcel or tract of land capable of being conveyed and described in a deed or other legal document which:
- i) is a whole Lot described in accordance with and is within a registered plan of subdivision, other than a registered plan of subdivision which has been deemed by the Municipality not to be a registered plan of subdivision under a by-law passed pursuant to the *Planning Act*;
  - ii) is a legally separated parcel of land in existence on the date of passing of this by-law, and which so continues to the relevant time;
  - iii) has received a final and binding consent to a conveyance pursuant to the *Planning Act*; or
  - iv) is the whole remnant remaining in the ownership of a Person after conveyance has been made with final and binding consent pursuant to the *Planning Act*, but for the purpose of this clause no parcel or tract of land ceases to be a Lot by reason only of the fact that a part or parts of it has or have been conveyed to the Municipality, the County or any municipality; or, Her Majesty in the Right of Ontario, Her Majesty in the Right of Canada; or for the construction of transmission line as defined in the *Ontario Energy Board Act, 1998*;
- 1.19 'Lot Line' shall mean any boundary of a Lot or the vertical projection thereof;
- 1.20 'Mud Mat' shall mean a grated device placed at an Entrance designed to prevent Refuse and Debris from fouling a Highway;
- 1.21 'Municipality' shall mean the Corporation of the Municipality of Central Elgin.
- 1.22 'Mutual Entrance' shall mean an Entrance to a Highway that provides shared access to serve separate existing Lots;
- 1.23 'Officer' shall mean a Municipal Law Enforcement Officer, the Director, a Person authorized by Council with the responsibility for enforcing and administering this by-law as appointed by Municipality of Central Elgin by-law or a Police Officer;
- 1.24 'Ontario Provincial Standards Drawings' shall mean standard drawings and construction and material specifications and contract tendering documents for road works jointly owned and produced by the Ministry of Transportation, Ontario (MTO) and the Municipal Engineers Association (MEA);
- 1.25 'Owner' shall include but not be limited to the applicant for an Entrance Permit and a Person who, alone or with others, owns a Lot as described in the most current assessment roll or is a director or Officer of a corporation, as prescribed in a corporate profile or assessment roll;
- 1.26 'Person' shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person;
- 1.27 'Preventative Mat' shall mean a rubber or similar device which permits a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers to transport across or on a Highway without fouling or damaging the Highway;
- 1.28 'Public Lands' shall mean lands owned by, leased, licensed to or under the management of the Municipality, and shall include but not be limited to any Highway;

- 1.29 'Refuse' or 'Debris' shall include but is not limited to:
- i) animal waste and excrement
  - ii) carcass, hides, bones or feathers or any animal or bird
  - iii) construction and landscaping materials
  - iv) celluloid cuttings
  - v) material or thing soaked in oil or gasoline
  - vi) domestic waste
  - vii) grass cutting, leaves and vegetation
  - viii) hay, straw and manure
  - ix) manufacturers / industrial waste
  - x) sawdust and shavings
  - xi) sewage and paper sludge
  - xii) snow and ice
  - xiii) swill, soil, dirt, earth or organic material
  - xiv) tree branches or roots
  - xv) wrecked, dismantled, discarded, inoperative or abandoned machinery, Vehicle, trailers, boats, and their component parts, and included Vehicles that appear by reason of their appearance, mechanical condition or lack of current permit plates to be inoperable, and tire;
- 1.30 'Residential Entrance' shall mean an Entrance to a residentially zoned lot with four or less dwelling units.
- 1.31 'Structure' shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the forgoing, shall include buildings and motor vehicles;
- 1.32 'Vehicle' shall have the same meaning as defined in *the Highway Traffic Act*, and includes a motor vehicle, trailer, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.33 Rural Entrance shall mean an Entrance to a lot outside of the Municipality of Central Elgin settlement boundaries as identified in the Municipality of Central Elgin Official Plan.
- 1.34 Rural Highway shall mean a Highway outside of the Municipality of Central Elgin settlement boundaries as identified in the Municipality of Central Elgin Official Plan.
- 1.35 Urban Entrance shall mean an Entrance to a lot inside the Municipality of Central Elgin settlement boundaries as identified in the Municipality of Central Elgin Official Plan.
- 1.36 Urban Highway shall mean a Highway inside the Municipality of Central Elgin settlement boundaries as identified in the Municipality of Central Elgin Official Plan.
- 1.37 'Temporary Entrance' shall mean an Entrance to properties for a limited period not to exceed (1) one year for the purpose of construction, repairs, or improvement on that property or to facilitate a staged development. The temporary entrance must be removed

before the expiration of the permit and the Highway must be restored to its original condition.

## **Section 2 – Refuse & Debris General Provisions**

- 2.1 No Person shall, push, plow, place, pile, store, dump or deposit or permit to be thrown, pushed, plowed, placed, piled, stored, dumped or deposited any Refuse or Debris on a Highway.
- 2.2 No Person shall throw, push, plow, place, pile, store, dump or deposit or permit to be thrown, pushed, plowed, placed, piled, stored, dumped or deposited any Refuse or Debris to obstruct or interfere with any culvert or ditch adjacent to a Highway.
- 2.3 No Person shall foul, encumber or damage or permit to be fouled, encumbered or damaged a Highway by animals, Vehicles or other means.
- 2.4 No Person shall obstruct or permit to be obstructed a drain, gutter or water course along or upon a Highway.
- 2.5 No Person shall set or carry or permit to be set or carried fire on a Highway.
- 2.6 No Person shall erect or maintain or permit to be erected or maintained any gate or door so that the same shall open or swing outward over any part of a Highway.
- 2.7 Unless authorized by an over-dimensional permit issued by the Municipality, no Person shall move or permit to be moved any building or structure into, along, or across a Highway.
- 2.8 No Person shall move, or permit to be moved a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers on or along a Highway, except by means of a float, trailer, or other similar device.
- 2.9 No Person shall move, or permit to be moved a Vehicle equipped with cleats, flanges, or tracks on its wheels or rollers on or along a Highway unless a Preventative Mat has first been laid on the surface of the portion of the Highway to be traveled.
- 2.10 No Person shall pull down, destroy, deface or in any way interfere with, or permit to be pulled down, destroyed, defaced or in any way interfered with, any municipal infrastructure, including but not limited to, any post, surveyor's mark, bench mark, traffic sign, Highway name sign, sign board, regulatory sign, traffic signal, traffic cone, or any other traffic control device that is affixed or placed on a Highway.
- 2.11 No Person carrying out or causing or permitting to be carried out any Land Disturbance shall do so without keeping all Highways, under the jurisdiction of the Municipality, Clean of Refuse, Debris and dust emanating from the Land Disturbance.
- 2.12 No Person carrying out or causing or permitting to be carried out any Land Disturbance shall do so without constructing a Mud Mat, or taking alternate measures as approved by the Municipality to prevent Refuse and Debris from fouling a Highway.

### **Section 3 - Entrance Permits**

- 3.1 An Entrance Permit Application Form is available at the Municipality of Central Elgin Office, 450 Sunset Drive, St. Thomas, Ontario, and on the Municipal website at [www.centralelgin.org](http://www.centralelgin.org).
- 3.2 No Person shall construct, install, widen or alter or permit to be constructed, installed, widened or altered any Curb Line, Curb Cut or Entrance without first having applied for and obtained an Entrance Permit from the Director pursuant to the provisions of this by-law.
- 3.3 No Person shall construct, install, widen or alter or permit to be constructed, installed, widened or altered any Curb Line, Curb Cut or Entrance except in accordance with the plans, specifications, documents, the Ontario Provincial Standards Drawings, term and conditions and any other information used as the basis for the issuance of an Entrance Permit from the Director pursuant to the provisions of this by-law.
- 3.4 An Entrance, if permitted by the granting of an Entrance Permit pursuant to the provisions of this by-law, is permitted on a Highway only to provide Entrance to an Adjacent Property and shall not be constructed, installed, widened, or altered or permitted to be constructed, installed, widened or altered to perform any other function, including the parking of vehicles.
- 3.5 Every Entrance Permit shall be Lot specific.
- 3.6 Every Owner of Adjacent Property shall obtain an Entrance Permit for:
  - i) Construction of a new Entrance;
  - ii) Changing the design, including resurfacing, of an existing Entrance;
  - iii) Changing the location of an existing Entrance; or
  - iv) Carrying out or causing or permitting to be carried out any Land Disturbance and shall include, but not be limited to any Land Disturbance conducted under a permit system authorized by the Province of Ontario, County or any Conservation Authority.
- 3.7 The Director may:
  - i) Prohibit the construction, design, alteration and/or change in use of an Entrance without a valid Entrance Permit;
  - ii) Refuse to grant, suspend or revoke an Entrance Permit;
  - iii) Impose conditions, including special conditions as a requirement of obtaining, or continuing to hold an Entrance Permit; or
  - iv) Impose special conditions on an Entrance Permit in a class that have not been imposed on all of the Entrance Permits in that class in order to obtain, or to continue to hold an Entrance Permit
- 3.8 The Director shall have delegated authority to:
  - i) Prohibit the construction, design, alteration and change in use of an Entrance without a valid Entrance Permit;
  - ii) Refuse to grant, suspend or revoke an Entrance Permit

- iii) Impose conditions, including special conditions as a requirement of obtaining, or continuing to hold an Entrance Permit; and
  - iv) Impose special conditions on an Entrance Permit in a class that have not been imposed on all of the Entrance Permits in that class in order to obtain, or to continue to hold an Entrance Permit.
- 3.9 The Director shall consider the following criteria when reviewing applications for Entrance Permits:
- i) Public safety;
  - ii) Protection of the public through the orderly control of traffic movement onto and from Highways, including possible requirements for left and/or right run lanes;
  - iii) Providing legal access onto Highways from Adjacent Property;
  - iv) Required sight distance, safe grade, and alignment condition for all traffic using the proposed Entrance;
  - v) Maintaining the orderly flow of the traffic traveling on the Highway;
  - vi) No undue interference with the safe movement of through traffic;
  - vii) Protection of the public investment in the Highway and minimizing Municipality expenditures on the maintenance of Highways and Entrances; and
  - viii) Reducing future maintenance problems and reconstruction costs of Highways and Entrances.
- 3.10 Every Owner shall provide in full a complete application at the time the application is submitted or the Director shall not accept the application.
- 3.11 A complete application shall include all of the information required on the application form and the following:
- i) Payment of the prescribed Entrance Permit Fees;
  - ii) Any other documentation or information as may be required in any other Section of this by-law; and
  - iii) Any other affidavit, document or information as may be requested by the Director of Infrastructure and Community Services.

#### TERM OF ENTRANCE PERMIT

- 3.12 An Entrance Permit issued with respect to a Lot pursuant to the provisions of this by-law shall be valid until any of the following activities occur on the same Lot:
- i) Construction of a new Entrance;
  - ii) Changing the design, including resurfacing, of an existing Entrance;
  - iii) Changing the location of an existing Entrance; or
  - iv) Carrying out or causing or permitting to be carried out any Land Disturbance and shall include, but not be limited to any Land Disturbance conducted under a permit system authorized by the Province of Ontario, County or any Conservation Authority.
- 3.13 An Entrance Permit shall expire one (1) year following the date of the issue if the Entrance construction has not commenced. After the expiration of the one (1) year term, a new Entrance Permit shall be obtained before proceeding with the work on the Entrance.

### ENTRANCE PERMIT FEES

- 3.14 All non-refundable Entrance permit fees shall be as set out in Municipality of Central Elgin Rates & Fees By-law, as may be amended from time to time.

### CONDITIONS FOR ENTRANCE PERMIT ISSUANCE

- 3.15 For every Entrance Permit that is issued, the Owner shall perform and observe the following conditions:
- i) Pay the applicable fees;
  - ii) Not carry on activities that are in contravention of the by-law or any other Municipal By-law;
  - iii) When required, enter into an Entrance Agreement and pay the applicable fee for any Entrance Permit that is issued as a result of the Land Disturbance, which shall be in force and effect until said Land Disturbance ends, for which the Entrance Agreement conditions, having regard to the objectives of Section 5.15 of this by-law, may include but not be limited to:
    - a) Letter of Credit or deposit
    - b) Specified transportation traffic routes;
    - c) Insurance; and
    - d) Indemnification

### ENTRANCE PERMIT APPLICATION – SUBJECT TO APPROVAL

- 3.16 Every Entrance permit application shall be subject to investigations by and comments or recommendations from such municipal or provincial departments or agencies as the Director deems necessary, or as directed by Council, including but not limited to:
- i) Ontario Provincial Police
  - ii) Municipality of Central Elgin Fire Department; and
  - iii) Municipality of Central Elgin Infrastructure and Community Services Department.

### INCOMPLETE APPLICATION

- 3.17 An Entrance permit application that does not comply with the provisions of Section 3.11 shall be deemed incomplete and shall be returned to the Owner pursuant to Section 3.20 of this by-law.
- 3.18 Every Entrance Permit application that has not received required comments from all municipal or provincial departments or agencies as the Director deems necessary within sixty (60) days from the date of the filing of the application, pursuant to Section 3.16 of this by-law, due to the Owner's inability to comply with the requirements to obtain an Entrance Permit pursuant to this by-law, shall be deemed incomplete.

### NOTICE

- 3.19 Every Owner shall notify the Director within ten (10) days of any change in their mailing address and shall be sent to:



Director of Infrastructure & Community Services  
Municipality of Central Elgin  
450 Sunset Drive, 1<sup>st</sup> Floor  
St. Thomas, ON  
N5R 5V1

- 3.20 Any notice or request made pursuant to this by-law may be given in writing by regular mail or email and is effective:
- i) On the date on which a copy is hand delivered to the Person to whom it is addressed; or
  - ii) On the fifth (5<sup>th</sup>) day after a copy is sent by regular mail to the Person's last known address; or
  - iii) On the fifth (5<sup>th</sup>) day after a copy is sent by email to the Person's email address used in the Entrance Permit Application Form.
- 3.21 For the purpose of Section 3.20 of this by-law, the Owner's last known address shall be deemed to be that provided pursuant to Section 3.11 of this by-law and may be changed pursuant to Section 3.19 of this by-law.
- 3.22 No Person served with a notice under any section of this by-law shall fail to comply with such notice within the time provide by such notice.

#### CONTRAVENTION OF OTHER LAWS PROHIBITED

- 3.23 The issuance of an Entrance Permit under this by-law is not intended and shall not be construed as permission or consent by the Municipality for the Owner to contravene or to fail to observe or comply with any law of Canada or Ontario or any other by-law of the Municipality or the County.

#### REVOCATION OF ENTRANCE PERMIT

- 3.24 The Director may revoke or suspend an Entrance Permit:
- i) Which is voluntarily surrendered by the Owner for revocation;
  - ii) At any time when the Owner fails to meet any provision of the by-law; or
  - iii) That was obtained by any mistake, misstatement or misrepresentation

#### NOTICE OF ENTRANCE PERMIT REFUSAL, REVOCATION OR SUSPENSION

- 3.25 Where the Director decides to refuse to issue, to revoke or suspend an Entrance Permit, he shall give notice of his decision for refusal, revocation or suspension to the Owner, together with the reason for his decision, pursuant to Section 5.20 of this by-law, as well as to such other Persons, departments, boards, commissions, authorities or agencies as appear to have an interest in the decision.

## DIRECTOR'S DISCRETION

- 3.26 There is no entitlement to an Entrance Permit. Decisions regarding whether to refuse, revoke, suspend, approve or approve with conditions an Entrance permit is at the discretion of the Director having regard to all the factors described in this by-law.

## **Section 4 – Entrance Permit General Provisions**

- 4.1 Every Entrance Permit that is issued shall be subject to Sections 2 and 3 of this by-law, all of which shall be performed or observed at all times while the Entrance Permit is in force.
- 4.2 The Owner shall notify the Director at least 48 hours prior to commencement of any activities pursuant to Section 3.9 of this by-law, authorized by a valid Entrance Permit.
- 4.3 The Owner shall ensure that the construction of the Entrance is in accordance with the requirements of all applicable regulatory agencies having jurisdiction.
- 4.4 The Owner shall be bound by the terms and conditions contained in the Entrance Permit and, where applicable the Entrance Agreement.

## **Section 5 - Location of Entrances**

- 5.1 The Municipality may restrict the placement of an Entrance onto a Highway in the interest of public safety. At the discretion of the Director, an Entrance must be located to provide:
- i) No undue interference with the safe movement of traffic, pedestrians, or other users of the Highway;
  - ii) Favorable vision, grade, and alignment conditions for all users of the Entrance; and
  - iii) Control of land use.
- 5.2 A Rural Entrance onto a Highway must be a minimum of:
- i) 50 meters from an intersection for residential, farm, or field lots as measured from the lot line to the nearest edge of the Entrance;
  - ii) 100 meters from an intersection for commercial, institutional, industrial, or multi-unit residential lots as measured from the lot line to the nearest edge of the Entrance; and
  - iii) 15 meters from an at grade railway crossing as measured from the nearest edge of the Entrance to the lot line abutting the railway right-of-way.
- 5.3 An Urban Entrance onto a Highway must be a minimum of:
- i) 1.5 meters from the point of tangency of the corner radius of the curb or edge of pavement at an intersection;
  - ii) 9 meters from the intersecting Highway or its extension as measured from the edge of pavement;
  - iii) 15 meters from an intersection for commercial, institutional, industrial, or multi-unit residential Lots as measured from the edge of pavement; and
  - iv) 15 meters from an at grade railway crossing as measured from center-line of the Entrance to the property line abutting the railway right-of-way.

- 5.4 An Entrance onto a Highway is not permitted adjacent to a lane which is identified for the purpose of an exclusive turning movement including, but not limited to, channelization, acceleration, or deceleration.

### **Section 6 - Number & Width of Entrances**

- 6.1 The Municipality shall limit the width of Entrances to discourage the construction of an Entrance wider than that required for the safe and reasonable use of the Entrance and to limit the number of Entrances to a property to the number required for the safe and reasonable access to the Highway in general conformity with Section 6 of this by-law.

#### RESIDENTIAL ENTRANCES

- 6.2 For Lots not exceeding 18 metres frontage
- i) A maximum of one Entrance is permitted.
  - ii) The Entrance shall have a minimum width of 3.0 metres and maximum width of 50% of the frontage up to a maximum of 8 metres.
- 6.3 For Lots greater than 18 metres but not exceeding 21 metres of frontage
- i) A maximum of two Entrances are permitted.
  - ii) The minimum Entrance width is 3.0 metres.
  - iii) The maximum Entrance width is 8.0 metres.
  - iv) The maximum total combined width for two separate Entrances to a single lot is 9 metres.
- 6.4 For Lots greater than 21m frontage
- i) A maximum of two Entrances are permitted.
  - ii) The minimum Entrance width is 3.0 metres.
  - iii) The maximum Entrance width is 8.0 metres.
  - iv) The maximum total combined width for two separate Entrances is 10 metres including frontage and flankage.
- 6.5 For lots with Semi-Detached Dwellings
- i) A maximum of one Entrance is permitted per unit.
  - ii) The minimum Entrance width is 3.0 metres.
  - iii) The maximum Entrance width is the width of the garage or carport, but not to exceed 6.0 metres.

#### MUTUAL ENTRANCES

- 6.6 Mutual Entrances shall be discouraged due to potential Ownership problems and may only be considered at the sole discretion of the Director if individual Entrances are not possible due to physical constraints.

#### FARM ENTRANCES

- 6.7 One Entrance per lot to a maximum width of 9 metres.

FIELD ENTRANCES

6.8 One Entrance per field lot with additional Entrances permitted at the discretion of the Director where natural obstructions within the field prevent reasonable access across the field. The maximum width of a field Entrance is 30m.

COMMERCIAL – INDUSTRIAL - INSTITUTIONAL ENTRANCE

6.9 Commercial – Industrial - Institutional Entrance Maximum of two Entrances with a minimum spacing of 30 meters between Entrances are permitted and shall be subject to site plan approval. Maximum width of each Entrance to be 9 metres.

**Section 7 - Entrances Adjacent to Bridges**

7.1 An Entrance adjacent to a bridge or other structure which may interfere with the clear vision of users of the Entrance must be located so that it complies with the minimum stopping sight distance requirements identified in Section 8.1 of this By-law.

**Section 8 - Sight Distances**

8.1 An Entrance shall not be permitted where the following minimum sight distance requirements are not met as per Table 1 and Table 2:

**TABLE 1: Stopping Sight Distance on Level Roadways**

Design Speed (km/h)	Decision Sight Distance (m)
20	20
30	35
40	50
50	65
60	85
70	105
80	130

**TABLE 2: Stopping Sight Distance on Grades**

Design Speed (km/h)	Stopping Sight Distance (m)					
	Downgrades (%)			Upgrades (%)		
	3%	6%	9%	3%	6%	9%
20	20	20	20	19	18	18
30	35	35	35	31	30	29
40	50	50	53	45	44	43
50	66	70	74	61	59	58
60	87	92	97	80	77	75
70	110	116	124	100	97	93
80	136	144	154	123	118	114

- 8.2 As determined by the Director, the Table 3 Decision Sight Distance will govern in the following situations:
- i) Complex interchanges and intersections;
  - ii) Locations where unusual or unexpected maneuvers occur;
  - iii) Locations where significant changes to the Highway cross sections are made;
  - iv) Areas where there are multiple demands on the Highway users decision-making capabilities from the road elements, traffic control devices, advertising, traffic, etc.

**Table 3: Decision Sight Distance**

Design Speed (km/h)	Decision Sight Distance for Avoidance Maneuver (m)			
	A	B	C	D
50	75	160	145	200
60	95	205	175	235
70	125	250	200	275
80	155	300	230	315

A: Stop on Rural Highway

B: Stop on Urban Highway

C: Speed/path/direction change on Rural Highway

D: Speed/path/direction change on Urban Highway

## **Section 9 - Design Standards**

### RURAL ENTRANCE

- 9.1 The finished surface of the Entrance must drop away from the edge of the Highway driving surface to the end of the shoulder rounding at a rate equal to the slope of the shoulder. For a distance of 2.5 meters beyond the shoulder rounding, the slope of the access shall not to exceed 8%.
- 9.2 A Rural Entrance shall be constructed with a base of a minimum of 300 mm Granular 'B' and finished with a minimum of 150 mm crushed gravel Granular 'A'.

### URBAN ENTRANCE

- 9.3 An Urban Entrance shall be constructed with a base of a minimum of 300 mm Granular 'B' and finished with a minimum of 150 mm crushed gravel Granular 'A'. The finished surface shall be constructed of concrete, asphalt, paving stones, or other hard surface approved by the Director.
- 9.4 The minimum grade of an Urban Entrance is 2% and the maximum grade shall be 8%.

### FARM ENTRANCE

- 9.5 A Farm Entrance shall be constructed with a base of a minimum of 300 mm Granular 'B' and finished with a minimum of 150 mm crushed gravel Granular 'A'.

- 9.6 At the discretion of the Director, large scale farm operations shall be constructed with a base of a minimum of 400 mm Granular 'B', a minimum of 150 mm crushed gravel Granular 'A', and finished with a minimum of 40 mm of HL4 base asphalt and 50 mm of HL3 surface asphalt. Surface asphalt shall extend from the edge of the travelled lane to the limit of road allowance.

#### FIELD ENTRANCE

- 9.7 A Field Entrance shall be constructed with a base of a minimum of 300 mm Granular 'B' and finished with a minimum of 150 mm crushed gravel Granular 'A'.

#### COMMERCIAL – INDUSTRIAL - INSTITUTIONAL ENTRANCE

- 9.8 A Commercial – Industrial - Institutional Entrance shall be professionally engineered designed and constructed and approved by, the Municipality, prior to work commencing on the Entrance, and may be subject to peer review at Applicants expense.

#### TEMPORARY ENTRANCE

- 9.9 The design and construction of a Temporary Entrance shall be submitted to, and approved, by the Director, prior to work commencing on the Temporary Entrance, and shall be removed once said work is complete.

#### CURBS & HEADWALLS

- 9.10 No curb or headwall can extend above the surface of the road surface within the limits of the shoulder and its rounding. All curbs and headwalls are constructed at the sole expense and risk of the Applicant.

#### CURB & GUTTER

- 9.11 Where curb and gutter exists at the location of the Entrance, the Applicant shall be required to construct a drop curb at the Entrance location.
- 9.12 The existing curb shall be cut using a truck mounted machine or removed and replaced using materials and construction methods acceptable to the Director.
- 9.13 The area between the curb and sidewalk shall be paved with hot mix asphalt, concrete or other hard surface approved by the Director, in accordance with the Municipality's requirements. If there is no sidewalk, the Entrance is to be paved to the property line behind the curb.

#### SIDEWALKS

- 9.14 At the discretion of the Director the sidewalk may be required to be replaced or modified at the Applicants cost to Municipal Standards.

## CULVERT

- 9.15 If a culvert is required, the culvert shall be new galvanized steel corrugated pipe or approved corrugated high-density polyethylene pipe. Used culvert pipe is not acceptable. A minimum cover over the culvert is to be 300mm.
- 9.16 Where possible, driveway culverts shall be a minimum size of 375mm in diameter with decreased or increased sizes at the discretion of the Director. A minimum cover on the culvert is to be 300mm.
- 9.17 Length must be sufficient to provide a 3:1 slope up from the ditch invert to the Entrance width.

## **Section 10 - Exceptions**

- 10.1 Exceptions may be granted by the Director.
- 10.2 The applicant is required to submit a written request (with the applicable fee) to the Director which sets out the reason that an exception is requested.
- 10.3 If an exception is granted, it may be granted with conditions and the applicant may be required to enter into a Development Agreement with the Municipality to be prepared and registered on title to the property in question at the applicant's expense.
- 10.6 This by-law shall not apply to any development which is subject to a Municipality of Central Elgin Subdivision Agreement until all curbs, gutters and sidewalk required by the Subdivision Agreement, for the subject lot, are constructed.
- 10.7 At the Discretion of the Director, Section 3 of this by-law shall not apply to any Land Disturbance that is:
- i) Subject to Site Alteration Agreement with the Municipality;
  - ii) Subject to an Entrance Agreement with the Municipality; or,
  - iii) Authorized under a valid, current Aggregate Extraction License issued by, and in compliance with the Ministry of Natural Resources.

## **Section 11 - Existing Entrances**

- 11.1 This by-law shall apply to all Entrances. Entrances that exist at the date of passage of this by-law shall be permitted, subject to sub-section 11.2.
- 11.2 Notwithstanding sub-section 11.1, Existing Entrances at the date of passage of this by-law shall be subject to the safety criteria as set out by this by-law, including sections 5 and 8 and any other section that the Director deems applicable to the safety of the public with regard to any specific existing Entrance.
- 11.3 The Municipality will restore all existing Entrances when undertaking road reconstruction, road improvements and road maintenance as follows:

### Rural Entrances

- 11.4 During road reconstruction or improvements, the Municipality will re-grade all existing Entrances from the property line to the new road grade at the municipality's expense if needed. Any work on private property will be the sole cost of the Owner. The Municipality will restore the Entrance with the same material as the existing Entrance.
- 11.5 The Municipality will make spot repairs to any Entrance that is disturbed due to maintenance and restore with the same material.

### Urban Entrances

- 11.6 The Municipality will re-grade all existing driveways from the edge of the pavement to the property line if needed with the same material as existing in the driveway. The exception being, if the driveway is not hard surfaced, the Municipality will restore the surface with hot mix asphalt.
- 11.7 If an Entrance is disturbed due to maintenance operations by Municipal forces, the Municipality will restore only that area that was disturbed with the same material.

### **Section 12 - Inspection & Maintenance**

- 12.1 Upon approval and final inspection by the Director of a culvert installation, within a Highway, as a component of an Entrance Permit issued pursuant to the provisions of this by-law, the culvert shall become the property of the Municipality and all subsequent maintenance and repairs of the culvert shall be the responsibility of the Municipality, at the discretion of the Municipality.
- 12.2 Every Entrance located on a Highway, within the municipally owned public right of way, shall be maintained in good condition by the Adjacent Property Owner in accordance with Ontario Provincial Standard Drawings at his own expense.
- i) Condition and compliance is determined at the discretion of the Director.
- 12.3 The Director may conduct a field inspection of the Entrance at any time during the application for the Entrance Permit or at any time the Entrance Permit is in force and effect.
- 12.4 The Director may require that modifications or Alterations be performed if the installation of the Entrance does not conform to the approved plans and specifications.
- 12.5 Where a culvert is required to be installed by this by-law and the culvert installation has met the requirements of this by-law, the Municipality shall then be responsible to maintain the culvert from time to time pursuant to its policies and at its sole and absolute discretion. The maintenance and/or repair of the Entrance surface is the responsibility of the Owner.
- 12.6 Maintenance and replacement of the Entrance surface material shall remain the responsibility of the Owner, from the traveled portion of the Highway to the lot line. At no time, other than for reconstruction, road improvements or maintenance activities being



completed by the Municipality, shall the Municipality be responsible for the replacement or maintenance of Entrance surface materials.

- 12.7 Owners having access to a municipal Highway are responsible for the maintenance of the Entrance including the removal of snow and ice and keeping the portion of the Entrance within the Highway in a safe condition for vehicular traffic.

### **Section 13 - Recovery of Expenses**

- 13.1 All expenses associated with an Entrance Permit are the responsibility of the Owner. The expenses shall include, but are not limited to, applicable Entrance Permit application fees, Entrance Agreement fees, third-party review by the Municipality, construction materials and labour, utilities, traffic control devices, layout, surveying, engineering, legal costs and modification, Alteration, Cleaning of Entrances or removal of Refuse and Debris.
- 13.2 All expenses incurred by the Municipality as a result of contravention of the General Provisions of this by-law are the responsibility of the Owner and/or offending party. The expenses shall include, but are not limited to, applicable Entrance Permit applications fees, Entrance Agreement fees, third-party review by the Municipality, construction materials and labour, demolition costs, utilities, traffic control devices, layout, surveying, engineering, legal costs and modification, Alteration, Cleaning of Entrances or removal of refuse and debris.
- 13.3 All expenses incurred by the Municipality in connection with the enforcement of this by-law shall be paid within thirty (30) days of the billing date, and in the event of failure to pay the entire amount due within said thirty (30) days, at the discretion of the Municipality, the outstanding balance of the invoice may thereafter be added to the tax roll and collected in a like manner as taxes for year in which the Expenses were billed, in conformance with section 446 of the *Municipal Act, 2001*.

#### **Section 14 - Infractions & Penalties**

- 14.1 Every Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the *Provincial Offences Act R.S.O. 1990, c. P. 33, as amended*.

#### **Section 15 - Prohibition Order**

- 15.1 When a Person has been convicted of an offence under this by-law, the Ontario Court of Justice, the Superior Court of Justice, or any other court of competent jurisdiction, may, in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

#### **Section 16 - Administration**

- 16.1 Unless otherwise indicated, the administration of the by-law is assigned by Council to the Director who may delegate the performance of the Director's functions under the by-law.
- 16.2 In this by-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used with or denoting specific gender identity shall include all other gender identities.
- 16.3 If there is a conflict between a provision in this by-law and a provision of any other Municipal by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

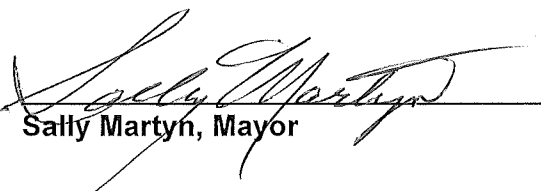
#### **Section 17 - Enforcement**

- 17.1 An Officer shall be responsible for the enforcement of this by-law.
- 17.2 No Person shall hinder or obstruct or attempt to hinder or obstruct, any Officer or the Director while exercising any power or performing any duty under this by-law.

#### **Section 18 - Severability**

- 18.1 In the event any section or provision of this by-law is held invalid, the remainder of the by-law shall continue in force and effect.
- 18.2 This by-law shall come into full force and effect on the date of its passing by Council.

**READ a FIRST, SECOND and THIRD TIME and finally passed this 27<sup>th</sup> day of September, 2021.**

  
Sally Martyn, Mayor

  
Paul Shipway, CAO/Clerk