

This is an office consolidation of By-law 176-99 (as amended by By-Law 45-12) and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

BY-LAW NUMBER 176-99

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To regulate property entranceways and culverts.

WHEREAS Section 314(1), Clause 6 of The Municipal Act, R.S.O. 1990, authorizes the Council of the Corporation of the County of Brant to pass by-laws prohibiting the obstruction of ditches and culverts upon highways;

AND WHEREAS Section 308 of the Municipal Act, R.S.O. 1990 authorizes the Council of the Corporate of the County of Brant to pass by-laws permitting persons to construct, install, maintain and use objects in, on, under or over a highway, for prescribing the terms and conditions under which they are to be placed, constructed, installed, maintained or used and for making any charge for the privilege;

AND WHEREAS the Council of the Corporation of the County of Brant deems it desirable to control the construction and alteration of private entranceways onto its highways;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. Definitions

Entrance – means any alteration of the highway that provides a means of access between the highway and private property.

Permit – means an entrance permit issued by the County of Brant Public Works Department for the construction, modification, paving or repaving of an entrance.

2. Property Entrance Guidelines

The Property Entrance Guidelines, setting out the requirements and application fees for entrances, attached here as Schedule “A” and forming part of this by-law, be and are hereby adopted as the municipality’s entrance requirements

3. Application for Entrance Permit

Every person wishing to construct, modify, pave or repave an entrance shall submit an application in the required form accompanied by a sketch or site plan and the appropriate, non-refundable application fee.

4. Entrance Permit Required

No person shall construct, modify, pave or repave or permit the construction, modification, paving or repaving of an entrance without a permit issued by the municipality for such entrance.

5. Compliance with Terms and Conditions of Permit

Every person issued a permit for the construction, modification, paving or repaving of an entrance shall complete such construction or alteration in accordance with the terms and conditions of the permit.

6. Restoration

Where any person constructs or alters or permits the construction or alteration of an entrance without a permit or fails to comply with the terms and conditions of the permit, the altered portion of the highway may be restored by the municipality at the owner's expense and collected in like manner as taxes.

7. Obstruction of Ditch or Culvert

No person shall obstruct or permit the obstruction of any ditch or culvert upon a highway.

8. Penalty

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to any penalty as provided for in The Provincial Offences Act, R.S.O. 1990, as amended.

9. Repeal

By-Law Number 4390 of the former Corporation of the Township of Brantford, as amended and all by-laws or parts of by-laws inconsistent with the provisions of this by-law are hereby repealed.

10. Force and Effect

This by-law comes into force and takes effect on the date of passage.

READ a first and second time, this 7th day of September, 1999.

READ a third time and finally passed in Council, this 7th day of September, 1999.

THE CORPORATION OF THE COUNTY OF BRANT

Ron Eddy, Mayor

Clerk

SCHEDULE A
By-law Number 176-99

CORPORATION OF THE COUNTY OF BRANT
PROPERTY ENTRANCE GUIDELINES

The Corporation of the County of Brant Public Works Department shall consider the following criteria when reviewing all applications for new entrances or alterations to entrances:

- a) Protection of the public through the orderly control of traffic movements onto and from municipal roads, including possible requirements for left and/or right turn lanes.
- b) Protection of the public investment in municipal road facilities.
- c) Minimizing municipal expenditures on maintenance of private entrance ways.
- d) Providing legal access onto municipal roads from adjacent private property.

DEFINITIONS:

Field Entrance	Provides access to agricultural fields
Farm Entrance	Provides access to farm buildings and agricultural lands
Residential Entrance	Provides access to residential facilities
Commercial/Institutional Entrance	Provides access to a business where goods or services are manufactured or sold to the public and includes as well, residential facilities of five or more units.
Temporary Entrance	Provides access to properties for a limited period not to exceed one year for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.
Temporary Entrance – Garden Suite	Provides for the installation of a second entrance to a property to accommodate a temporary garden suite for a limited period as set out in the garden suite agreement. The entrance shall be removed at the termination of the garden suite agreement.
Emergency Entrance	Provides access to subdivision developments for emergency vehicles only, in the event that the main access to the development is not passable. Adequate measures are to be incorporated in the emergency access to prevent (adequately discourage) use by private residents or delivery vehicles.
Public Entrance	Provides access onto a municipal road from a registered subdivision by means of a public road or street.

LOCATION OF ENTRANCES:

The proposed entrance location is to be **clearly illustrated on a sketch or site plan** which is to accompany the application for an entrance permit.

The sketch or site plan must provide enough information to enable staff to locate it in the field, i.e. dimensions to buildings and/or landmarks like fences, hedgerows and tree lines, etc. Additionally the **applicant shall visibly stake on site the proposed location.**

The County of Brant may restrict the placement of an entrance onto the municipal road in the interest of public safety. New entrances must be located so as to provide:

- a) No undue interference with the safe movement of public traffic, pedestrians, or other users of the highway.
- b) Favourable vision, grade and alignment conditions for all traffic using the proposed access to the municipal road.

In general, new entrances **WILL NOT BE PERMITTED** at the following locations:

- a) Along a lane which is identified for the purpose of an exclusive vehicular turning movement.
- b) In close proximity to intersections and bridges.
- c) On unimproved/non maintained road allowances.
- d) Where the following minimum sight distance requirements are not met:

<u>SPEED LIMIT</u>	<u>MINIMUM SIGHT DISTANCE</u>
50 km/hr	120 metres
60 km/hr	140 metres
70 km/hr	160 metres
80 km/hr	180 metres
90 km/hr	200 metres

Note:

- a) Sight distance shall be measured from eye height of 1.05 metres measured 3.0 metres from outer edge of the traffic lane to an object height of 1.3 metres above the roadway surface (see Figure 1).

An entrance adjacent to a bridge or other structure which may interfere with the clear vision of traffic using the entrance must be located as follows:

- a) A commercial entrance in an area where the speed limit is 80 km/hr or more must be located at least 145 metres from the end of the deck of the bridge or from the nearest part of the structure which actually interferes with the clear vision of traffic using that entrance.
- b) A residential, farm or field entrance in an area where the speed limit is 80 km/hr or more must be located at least 30 metres from the end of the deck of the bridge or from the nearest part of the structure which actually interferes with the clear vision of the traffic using that entrance.
- c) In areas where the speed limit is less than 80 km/hr, the Public Works (or designate) may restrict the location of an entrance to that distance from the bridge or other structure which he deems advisable.

DESIGN STANDARDS

Grade

All entrances must be constructed according to the **current Ontario Provincial Standards (OPSD)**.

Culvert/Pipe

No used culvert/pipe will be permitted for use in a new entrance and must conform to OPSD Standards. All culverts/pipes are to have a minimum cover of 300 mm.

Installation

The property owner shall engage an insured contractor, said contractor shall provide the municipality with proof of liability insurance of a minimum of two million dollars (\$2,000,000) prior to commencement of the work. The contractor or owner shall provide the municipality with a minimum of 48 hours notice prior to commencement of the work.

Curbs and/or Head walls

No curb or head wall can extend above the surface of the roadway shoulder within the limits of the shoulder and its rounding. All curbs and Head walls are constructed at the sole expense and risk of the applicant.

Maintenance of Entrances (all entranceways)

Property owners having an entrance to a Municipal road are fully responsible for the maintenance of the entrance including the removal of snow and ice and keeping the portion of the entrance within the right-of-way in a safe condition for vehicular traffic. Each entrance to a Municipal road must be designed, constructed and maintained in a manner that will prevent surface water from the entrance way or from the adjoining property being discharged via the entrance onto the travelled portion of the highway.

Curb and Gutter Urban Areas

Where curb and gutter exists at the location of the proposed entrance, the applicant will be required to construct a drop curb at the entrance location. The existing curb shall be cut or removed and replaced using materials and construction methods acceptable to the Public Works Director/Roads Operations Manager or designate. The area between the curb and sidewalk is to be paved with hot mix asphalt, in accordance with the Public Works Director/Roads Operations Manager or designate requirements. If there is no sidewalk, the entrance is to be paved a distance of three metres behind the curb. If an owner elects to pave using another type of material i.e. Concrete, Paving Stones etc. the owner will be responsible for any replacement and/or repairs no matter what the cause.

ALL ENTRANCES:

The design and construction of all entrances must be submitted to, and approved, by the Municipality and an entrance permit issued prior to work commencing on the entrance within the limits of the road allowance of a Municipal road or any works related to said entrance.

All costs for the entrance is the sole responsibility of the owner who shall guarantee the construction/placement of the work for a period of one year from the date of placement. It is the responsibility of the owner to obtain locates of utilities prior to construction.

The property owner is responsible to ensure proper cover over existing utilities is maintained, i.e. if owner installs a culvert/pipe over existing water main/service without the required depth of cover and the line freezes the owner will be responsible for all costs to correct.

Where the property owner proposes the paving or placement of material other than that of the same type as is on the existing roadway in the area between the existing roadway and the property line and said proposal is approved by the municipality the property owner acknowledges that he/she is responsible for any replacement and/or repairs no matter what the cause.

Number and Width of Entrances

It will be the policy of the Municipality to:

- a) Limit the width of entrances to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- b) Limit the number of entrances to a property to the number required for the safe and reasonable access to the road, with acknowledgement of any applicable zoning bylaws, and in general conformity with the following:

Residences	one per property, with the exception that a second entrance may be allowed to accommodate a garden suite for a temporary period
Farm Building	one per farm
Farm Entrances	one field entrance per farm with additional field entrances where natural obstructions within the field prevent reasonable access across the field
Commercial/Industrial Entrances	maximum two with minimum spacing of 30 metres between entrances

MODIFICATIONS, PAVING/RE-PAVING TO EXISTING ENTRANCES:

A permit is required for all modifications to an existing entrance, i.e. extensions, replacements, moving, or alterations. A permit is required for paving, re-paving an existing entrance.

INSPECTION FEE:

That a fee as per bylaw be collected at the time of application which shall be **non-refundable.**

FEES:

New Entrances	\$150.00
Modifications/Alterations	\$150.00
Paving or re-paving	\$ 50.00

CANCELLATION OF PERMIT

Where the entrance has not been constructed and inspected within one year of the date of the date of the permit, then the permit shall be **null and void.**