



The Corporation of Norfolk County

By-Law 2016-32

Being a By-Law to Regulate Entrances onto Municipal Roads and Highways.

WHEREAS Sections 5 and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of the Municipal Council shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise and that the municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority;

AND WHEREAS Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a single-tier municipality may pass by-laws to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 27 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides a municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;

AND WHEREAS it is deemed necessary to establish an Entrance By-Law;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1.0 Definitions

- 1.1. "Entrance" – means any alteration of the highway that provides a means of access between the highway and private property.
- 1.2. "Temporary Entrance" – provides access to properties for a limited period of time not to exceed one year for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.
- 1.3. "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.
- 1.4. "Highway" – means a road or highway as defined by the Highway Traffic Act under the jurisdiction of Norfolk County
- 1.5. "Permit" – means an entrance permit issued by Norfolk County for the construction, modification, paving or repaving of an entrance.
- 1.6. "Field Entrance" – provides access to agricultural fields.
- 1.7. "Farm Entrance" – provides access to farm buildings and agricultural lands.

- 1.8. “Residential Entrance” – provides access to residential dwellings.
- 1.9. “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.
- 1.10. “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.
- 1.11. “Public Entrance” – provides access onto a municipal road from a registered subdivision by means of a public road or street.

2.0 Property Entrance Guidelines

- 2.1. The Property Entrance Procedure, setting out the requirements for entrances, are attached as Schedule “A” and forming part of this by-law;
- 2.2. The Property Entrance Guidelines, setting out the requirements and application fees for entrance, attached as Schedule “B” and forming part of this By-Law.
- 2.3. The Entrance Installation Specifications, terms and conditions, are attached as Schedule “C” and forming part of this By-Law;
- 2.4. Any Item outlined in Schedule “A”, “B” and “C” may be modified by the Conditions contained within the Entrance Permit issued. The General Manager of Public Works and Environmental Services (or designate) may make exceptions on a site specific basis if it is deemed by the General Manager of Public Works and Environmental Services (or designate) to be in the best interest of the municipality or in keeping with good engineering practices.

3.0 Entrance Permit

- 3.1. A 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 fee as set out in the County’s most recent User Fee By-law.
- 3.2. 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.
- 3.3. 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.

4.0 Restoration

4.1. 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.

5.0 Obstruction of Ditch or Culvert

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

6.0 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.

7.0 Short Title

The short title of this By-Law shall be the "Norfolk County Entrance By-Law".

8.0 Force and Effect

That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 22nd day of March, 2016.

Original By-Law Signed by:

Mayor C. H. Luke and Clerk/Manager of Council Services Andrew Grozelle

Schedule “A” to By-Law 2016-32

ENTRANCE PERMIT PROCEDURE

Procedure:

1. Process consists of 2 parts – application and permit.
2. Applicant must complete a permit application.
3. Applicant may print the application from the County’s website and bring the completed documentation to office along with permit fee or send by mail.
4. The Roads Supervisor will contact the applicant and conduct a site visit.
5. Once the application has been reviewed, the permit will be issued and mailed to the applicant.

Schedule 'B' to By-Law 2016-32

NORFOLK COUNTY PROPERTY ENTRANCE GUIDELINES

The Corporation of Norfolk County, Public Works and Environmental Services 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.

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.

Norfolk County 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) Favorable 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 unopened road allowances.
- d) Where the following minimum sight distance requirements are not met:

SPEED LIMIT	MINIMUM DISTANCE
40 km/hr	100 metres
50 km/hr	120 metres
60 km/hr	140 metres
70 km/hr	160 metres
80 km/hr	180 metres
90 km/hr	180 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.

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 and Environmental Services General Manager (or designate) may restrict the location of an entrance to that distance from the bridge or other structure which is deemed 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, cleaning 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 of 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 General Manager, Public Works and Environmental Services or designate. The area between the curb and sidewalk is to be paved with hot mix asphalt, in accordance with the General Manager, Public Works and Environmental Services or designates, requirements. If there is no sidewalk, the entrance is to be paved a full distance from behind the curb to the property line. 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.

Deposit

A deposit must be posted prior to the issuance of the permit. The amount of the deposit will be set in accordance with the current Norfolk County User Fees and Service Charges By-Law. The deposit will be return subject to the following conditions:

- A minimum of 1 year has lapsed since the installation of the driveway, and
- An inspection has taken place by Norfolk County Public Works and Environmental Services Staff, and
- The driveway has been installed in accordance with the Permit and is to the satisfaction of Norfolk County Staff

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 to 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 by-laws, 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 of time

Farm Buildings

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, replacement, moving, or alterations. A permit is required for paving, re-paving and existing entrance.

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**.

SCHEDULE “C” to By-Law 2016-32

ENTRANCE INSTALLATION

SPECIFICATIONS, TERMS AND CONDITIONS

The acceptance by the County of any entrance installation is subject to compliance by the owner/contractor with the following specifications, terms and Conditions.

The protection of the public through the orderly control of traffic movements on municipal roads and highways is the utmost consideration.

The County may restrict placement of an entrance or access onto the highway in the interest of public safety.

TERMS AND CONDITIONS

1. Site attendance for review and inspection will only be available during regular business hours.
2. Twenty-four (24) hours notice is required for inspection of an entrance.
3. Property owners will be permitted ten (10) working days after notification to rectify any entrance not installed in accordance with County specifications.
4. An entrance not in compliance with County specifications subsequent to the 10 working day period will be removed by County forces or their approved contractor at the owners' expense and the entrance permit will be voided.
5. Interpretation relating to the acceptability of an entrance installation and compliance with the applicable County specifications will be decided by the Manager of Roads or designate, and his/her decision will be final and binding.
6. Notify any and all utilities prior to digging for culvert installation.
7. No head walls allowed.
8. Paved driveways must follow the attached specifications.
9. Concrete driveways are to be a minimum of 125 mm or reinforced concrete, 20.0 MPa, with 6” x 6” standard wire mesh reinforcing.