

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

BY-LAW NUMBER 2021-016

Being a By-law to regulate and govern the construction and alteration of entrances onto highways under the jurisdiction of the Village of Sundridge and to repeal By-law No. 75-008

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS Section 27 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws in respect of a highway over which it has jurisdictions;

AND WHEREAS pursuant to Section 398 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the Village may recover costs by adding same to the tax roll for the subject property and collect them in the same manner as municipal taxes;

AND WHEREAS pursuant to Section 398 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the Village may pass by-laws providing that a person who contravenes a by-law of the Village is guilty of an offence.

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF SUNDRIDGE HEREBY ENACTS AS FOLLOWS.

1. Definitions

“Act” shall mean the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

“Abandoned” shall mean an existing entrance not currently being used for entrance purposes.

“Applicant” shall mean a person being the owner(s) of a lot or their authorized agent applying for an Entrance Permit.

“By-law Enforcement Officer” means the By-law Enforcement Officer for the Village of Sundridge or designate.

“Entrance” 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 jurisdiction of the Village of Sundridge

“Entrance Permit” shall mean a permit issued under the provisions of this by-law.

“Property Owner” shall mean the person(s) identified as the owner within Village records.

“Village” shall mean the Corporation of the Village of Sundridge.

“Village Superintendent” means the Village Superintendent for the Village of Sundridge or designate.

2. GENERAL

2.1 No person shall construct or alter any entrance without first obtaining an Entrance Permit from the Village, attached hereto as “Schedule A”.

2.2 The Village shall have the authority to direct or require an owner of land to install a culvert if deemed necessary by the Village Superintendent for all entrances adjacent to a Village road or property.

2.3 That the location of, or modification to, an existing entrance must be approved by the Village Superintendent to ensure public safety and to provide favourable sight lines, grade and alignments for all traffic using the proposed access and roadway. There shall be no undue interference with the safe movement of traffic.

2.4 That any abandoned entrance shall require a new entrance permit.

3. ENTRANCE SPECIFICATIONS

3.1 All costs, including but not limited to, construction, labour and material for the culvert installation shall be supplied and borne by the owner of the land.

3.2 All new entrances shall be a minimum of 14 Feet wide unless otherwise specified by the Village Superintendent.

3.3 All new entrances shall have a minimal 20' level approach onto Village roads or streets.

3.4 All new entrances shall be installed at least 10 feet from the neighbouring property lines.

3.5 All culverts installed pursuant to this by-law shall be a minimum length of 20 feet and have a minimum diameter of 15 inches, unless otherwise specified by the Village Superintendent.

3.6 All culverts installed pursuant to this by-law shall be galvanized steel or double wall plastic. Culverts that are single wall plastic will not be permitted.

3.7 Any variance to the specifications, including but not limited to, diameter, length, type and gauge, shall be determined by and at the discretion of the Village Superintendent.

3.8 The Entrance way shall have 8-10 inches of pit run gravel and a minimum of 3 inches of $\frac{3}{4}$ " crushed "A" – gravel on top, within the Road allowance.

3.9 A minimum of 6' of $\frac{3}{4}$ " crushed gravel over the culvert for a total minimum coverage of 12". The Village Superintendent may issue a variance form this requirement if circumstances dictate such action.

3.10 Applicants must ensure that drainage from roads or properties close by, is directed away from buildings.

3.11 The Village is not responsible for any surface or road drainage onto the subject property.

3.12 The Ditch must not be filled to gain access to the property before culvert is installed.

3.13 That no person shall apply asphalt or other hard surface to that portion of an entrance way on the road allowance except under written authorization from the Village Superintendent. No concrete surfaces are permitted on that portion of the entrance way that is over any part of the road allowance of the Village.

3.14 Each entrance to a Village 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.

3.15 That all land owners, or their contractors, installing an entranceway/culvert are responsible for damage to the traveled portion of the highway, street or road as a result of construction.

- 3.16 In the event that the said land owner fails to meet the approval requirements as set out by the Village Superintendent or causes damage to the travelled portion of the highway, the culvert installation or damage repair shall be completed by the Village of Sundridge at the owner's expense and the Village of Sundridge may recover the expenses incurred, by adding the costs to the tax roll and collecting them in same manner as property taxes.

4. MAINTENANCE

- 4.1 That the Village shall, after final inspection and approval by the Village Superintendent, maintain and replace from time to time as required, all culverts and structures installed under this by-law.
- 4.2 The maintenance of the driving surface of all entrance ways shall be the responsibility of the applicant or land owner to whom the entrance way gives access. This maintenance includes the removal of snow and ice and keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic.

5. SECOND ENTRANCES

- 5.1 That second and subsequent entrance ways shall only be permitted with written authorization and approval by the application process by the Village Superintendent and shall be expressly at the expense of the land owner.
- 5.2 With the Approval of a second entrance, the land owner will be required to file a statement with the Village acknowledging all installation costs and future maintenance is at their expense and shall be done under the direction of the Village Superintendent.

6. PENALTY

- 6.1 Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 6.2 In addition to the above and pursuant to Section 446 of the Municipal Act, in default of any matter or thing being done by the person directed or required to do it, such matter or thing may be done at the person's expense and the Village of Sundridge may recover the expenses incurred in doing it by action or by adding the costs to the tax roll and collecting them in same manner as property taxes.
- 6.3 Where any part of this By-Law conflicts with any other Municipal By-Law, or any Federal or Provincial Legislation or article the Legislation that carries the stricter provision shall prevail.

7. ENACTMENT

- 7.1 That the application fee is pursuant to the current Village of Sundridge Fees and Charges By-law.
- 7.2 That the Clerk be authorized to amend Schedule "A" as required.
- 7.2 That this By-law shall come into force and take effect on the final passing hereof

8. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the by-law and it is hereby declared the remainder of the by-law shall be valid and remain in force.

9. REPEAL

That By-law 75-008 be repealed.

PASSED THIS 14th DAY of April 2021

Original Signed by Lyle Hall

Lyle Hall, Mayor

Original Signed by Nancy Austin

Nancy Austin, Clerk