

CORPORATION OF THE TOWNSHIP OF LIMERICK

BY-LAW NO. 08-99

BEING A BY-LAW TO REGULATE THE ESTABLISHING OF ENTRANCES TO TOWNSHIP ROADS.

WHEREAS it is deemed expedient to regulate the establishing of entrances to Township Roads;

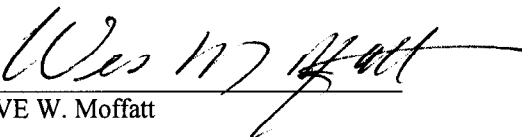
AND WHEREAS pursuant to the provisions of the Municipal Act R.S.O. 1990, Chapter M.45, Part XVIII Highways And Bridges, and amendments thereto provides that the Councils of all municipalities may pass By-laws for prohibiting or regulating the obstructing, encumbering, entering or defiling of highways or bridges; for prohibiting the obstruction of ditches or culverts and permitting and regulating the size and type of construction for culverts and bridges which may cross any drain or water-course situated on a public highway.

NOW THEREFORE the Council of the Corporation of the Township of Limerick enacts as follows:

1. An entrance for the purpose of this By-law is a private road, entranceway, gate or other structure or facility constructed or used as a means of access to a public highway under the jurisdiction of the Township of Limerick and includes the tiling and covering or filling in of a roadside ditch for the purpose of improving lawn frontage.
2. No person, including a municipality or a local board thereof, shall construct an entrance except in accordance with the conditions of a permit issued therefore by the Township Road Superintendent.
3. Restrictions and specifications relating to the issuance of an entrance permit are set out and specified in Schedule "A" attached hereto and forming part of this By-law.
4. An established fee for this permit shall be payable upon the issuance of the permit and before any work is done, and the fee shall be as is set out in Schedule "B" attached hereto and forming part of this By-law.
5. A copy of the permit to be obtained will be as set out in Schedule "C" attached hereto and forming part of this By-law.
6. Any entrance established contrary to the provisions of this By-law may be removed by the Township and the cost of such removal shall be paid by the owner before an entrance permit is issued.
7. The Township of Limerick shall not be responsible for maintaining the surface of the entrance from the edge of the travelled portion of the road to the outer edge of the shoulder, nor shall they be responsible for replacing any culverts installed under the provisions of this By-law unless specifically damaged by the Township and/or new roadway being put in by the Township, which requires culvert(s) to be upgraded.
8. Every person who contravenes the provisions of this By-law is guilty of an offence and on summary conviction is liable to a fine of not less than \$50.00 and not more than \$500.00.
9. That this By-law shall come into force and take effect on third and final reading thereof, rescinding any and all previous provisions pertaining to same, inclusive of By-law No. 27-89 in full.

READ A FIRST AND SECOND TIME THIS 05th DAY OF OCTOBER, 1999.

READ A THIRD AND FINAL TIME AND PASSED THIS 05th DAY OF OCTOBER, 1999.


REEVE W. Moffatt

SEAL


CLERK C. Baker

SCHEDULE "A"

To By-Law No. 08-99

ENTRANCES

An entrance permit must be obtained before work is commenced on the construction of an entrance to a Township Road within the limits of the right-of-way.

Types of Entrances

Residential - A residential entrance is an entrance from a private residence or a private farm and is used primarily by the persons living on the property as a means of access to the highway.

Commercial - A commercial entrance is an entrance from a commercial establishment of any kind and includes an entrance to an apartment house or multi-family dwelling serving more than four dwelling units.

Restrictions

A residential entrance may be constructed at any location except within 100 feet of the end of a bridge measured from the deck or from the nearest part of the structure that interferes with the clear vision of the traffic using the entrance in an area where the speed limit is 80 KPH or more, or onto a daylighting reserve, or in any location where, in the opinion of the Township Road Superintendent, an entrance cannot be constructed to meet the specification of the Township.

A commercial entrance must be constructed according to the Commercial Site Access Standards established by the Ministry of Transportation and Communications of Ontario and subject to the following restrictions:

- (a) Access to a Township Road from properties adjoining a traffic interchange, cloverleaf, or channelization is prohibited.
- (b) Access across a daylighting area is prohibited.
- (c) A commercial entrance is prohibited in a 80 KPH speed zone when the clear vision for traffic using the entrance is less than 600 feet in each direction. In a 100 KPH speed zone the clear vision must be 800 feet.
- (d) Where the speed permitted is less than 80 KPH, an entrance is prohibited where the clear vision for traffic using the entrance is less than 300 feet.
- (e) In an area where the speed limit is 80 KPH or more, an entrance is prohibited within 475 feet of a bridge, measured from the deck or from the nearest part of the structure which actually interferes with the clear vision of traffic using the entrance.

A residential entrance may not be used as a Commercial Entrance without obtaining another Entrance Permit, and making any revisions to the existing entrance as the permit may require to make it conform to the Commercial Entrance Standards.

SCHEDULE "A"

To By-Law No. 08-99
Continued

SPECIFICATIONS

The minimum width of an entrance is 16 feet. The minimum size of a pipe or culvert is 12 inches and the length is 20 feet. Greater size and length may be required in certain locations to provide for the flow or the depth of the ditch. Standard pipe, culverts and materials approved by the Township Road Superintendent must be used, and, if the entrance is such that a bridge is required the design of the bridge is subject to the approval of the Township Road Superintendent. The use of hot water tanks, barrels, concrete blocks or badly deteriorated corrugated iron pipe in place of standard material is prohibited. Minor exceptions to the above may apply, at the discretion of Road Superintendent.

Each entrance must be designed, constructed and maintained in such a manner as to prevent the discharge of surface water from the entranceway or from private property onto the travelled portion of the road.

Each entrance, including the installation of a pipe or culvert and other work pertaining to the entrance must be constructed by the applicant and the cost of the construction is borne by the applicant.

The Township will maintain the surface of the entrance from the edge of the travelled portion of the road to the outer edge of the shoulder. An entrance that is constructed or used contrary to the provisions of this by-law or contrary to the requirements of the entrance permit will not be maintained by the Township, and if the infraction warrants, the entrance may be removed by the Township at the owner's expense.

Commercial entrances must be constructed in accordance with the Commercial Site Access Standards established by the Department of Transportation and Communications of Ontario.

All pipes shall be constructed to the proper grade so as to provide for the free and unimpeded flow of water through the pipe. There also must be sufficient cover on the pipe to accommodate the type of traffic that may be using the entrance, so as not to damage pipe.

SCHEDULE "B"

To By-Law No. 08-99

Respecting Fees

Entrance Permit Fee

\$50.00 each

TOWNSHIP OF LIMERICK

APPLICATION FOR ENTRANCE PERMIT NO. _____

APPLICATION IS HEREBY MADE TO:

- Construct an Unpaved entrance Paved Entrance
- Construct Curbs, Gutters or Other Permanent Works Related to an Entrance or C.S. Standard
- Change the Design of an Existing Entrance Relocation of an Existing Entrance
- Use an Existing Entrance for Other Than its Original, Present or Normal Use, Change of Classification from Residential to Commercial, etc.
- Construct a Temporary Entrance or Use any Part of the Right-of-way of a Highway as a means of temporary access to and from a property.

DESCRIPTION AND LOCATION OF PROPERTY

On Property of (Owner of Property) _____
Address _____
Of _____
Owner _____

Lot _____ Plan No. _____
No/Con. _____ Or Section _____ Township of Limerick – County of Hastings

ON THE _____ SIDE OF ROADWAY _____ ABOUT _____ KILOMETRES, MILES _____
OF _____

CLASSIFICATION USE PURPOSE AND DETAIL OF ENTRANCE

(DETAILED DESCRIPTION OF TYPE OF ESTABLISHMENT SERVED BY ENTRANCE)

Access Required For:

No. of Entrances _____ Width of Entrance(s) _____ Metres/Feet Proposed Material _____
 Length and Size of Culvert _____ Metres/Feet
 Approximate Distance Approaching Traffic is Visible from the Point of Entrance to the Highway –
 From the Right _____ Metres/Ft. From the Left _____ Metres/Ft.
 Indicate Which If Any of the _____ Trees, Plantings, Shrubs _____ Guide Rail
 Following Will be Affected _____ Hwy. Sign _____ Other _____

It is understood that all works will be constructed, altered, maintained or operated at the expense of the undersigned, that work must not begin before a permit has been issued by the Township. The issue of a permit does not relieve the holder of the responsibility of complying with relevant Municipal by-laws.

In consideration of any permit issued in respect to this application, we, the applicants for ourselves, our heirs, executors, successors and assigns hereby agree to observe, keep and perform and be subject to the regulations and conditions of the said permit and to indemnify and save harmless the Township, its staff/its representatives from and against all loss, cost, damages, expenses, claims and demands whatsoever to which the Township may be put or which it may be liable by reason of anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized. The Township may issue permits upon such terms and conditions as it considers proper and may at its discretion cancel any such permit at any time. This permit is issued under authority of By-Law 08-99, as enacted, and/or amended.

A FEE IN THE AMOUNT OF \$ _____ IS ENCLOSED, MADE PAYABLE TO THE TOWNSHIP OF LIMERICK. DATED AT _____ THIS _____ DAY OF _____ PHONE NO. _____.

NAME _____ ADDRESS _____
CITY _____ POSTAL CODE _____ SIGNATURE _____

The signature of the registered owner or of his agent must be affixed to each application.

APPLICANTS DO NOT WRITE BEYOND THIS LINE

TOWNSHIP ACTION

_____ APPROVED _____ NOT APPROVED DATE _____

Signature _____

REMARKS/SPECIAL CONDITIONS

