

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

By-Law # 20-13

Entrance Permit By-Law

BEING a by-law to regulate and standardize the construction and alteration process for entrances onto roadways and/or Highways within the Township.

WHEREAS The Municipal Act S.O. 2001, section 8, as amended, provides that without limiting the generality of subsections (1) and (2), a by-law under section 11 respecting a matter may,

- a) Regulate or prohibit respecting the matter; and
- b) As part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a license, permit, approval or registration.

AND WHEREAS The Corporation of the Township of Assiginack has the authority to pass by-laws relating to Highways under its jurisdiction, including parking and traffic pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, as amended;

AND WHEREAS Section 391 of the Municipal Act provides that a municipality and local board may pass by-laws imposing fees or charges on any class of persons,

- a) For services or activities provided or done by or on behalf of it;
- b) For costs payable by it for services or activities provided or done by on behalf of any other municipality or local board, and
- c) For the use of its property including property under its control;

NOW THEREFORE THAT the Council of the Corporation of the Township of Assiginack **HEREBY ENACTS AS FOLLOWS:**

1. **Short Title:** This By-law may be cited as the "Entrance Permit By-law"
2. **Definitions:** In this by-law:
 - 2.1. **"Council"** shall mean the Council of the Corporation of the Township of Assiginack or Committee of Council as may be designated by Council for the purposes of this by-law.
 - 2.2. **"Entrance"** means a public or private roadway, driveway, sidewalk, footpath or easement, gate structure or any facility constructed or used as a means of ingress and egress to and from any road.
 - 2.3. **"Entrance, Agricultural"** means an entrance to a private farm or farmland, which may not include a farm residence.
 - 2.4. **"Entrance, Commercial"** means an entrance to a multi-residential property with more than four (4) residential units
 - 2.5. **"Entrance, Industrial"** means an entrance to an industrial establishment of any kind.
 - 2.6. **"Entrance, Institutional"** means an entrance to an institutional establishment of any kind.
 - 2.7. **"Entrance, Walkway/Utility"** means an entrance to a pedestrian walkway or an access entrance to a public utility used for maintenance purposes.

- 2.8. “Entrance, Residential”** means an entrance to a private single-family residence or multiple-family residence with four (4) or less dwelling units. I”
- 2.9. “Entrance Permit”** means a permit issued under the provisions of this By-law.
- 2.10. “Owner”** means the person as identified as the owner on the Assessment Roll for Taxation purposes during the current year, and where the context relates to the making of an application for an Entrance Permit under this By-law, includes a representative or agent of the owner.
- 2.11. “Person”** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or the legal representatives of a person to whom the context can apply according to law.
- 2.12. “Public Works Superintendent”** means the Director of Public Works for the Township of Assiginack as may be appointed by Council from time to time, or a designate.
- 2.13. “Road”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designated and intended for use by the general public for the passage of vehicles and includes all lands lying within the limits of the road allowance or the right-of-way, all of which are owned or within the jurisdiction of the Township of Assiginack.
- 2.14. “Street line”** means the limit of a road allowance and is the dividing line between a lot and a road.
- 2.15. “Sidewalk”** means a paved pedestrian walk area located within a road or designated as a public walkway.
- 2.16. “Sight Line”** means a line of clear vision, measured from the point of entrance upon the road at a height of one (1) metre, along a road to a point above the centre line of the road at a height of one metre.
- 2.17. “Township or Municipality”** shall mean the Corporation of the Township of Assiginack and shall be defined as the lands and premises withing the corporate limits.
- 2.18. “Township Engineering Standards”** shall mean the Engineering Standards adopted by Council for the construction of facilities, utilities, access driveways, etc. as may be adopted by Council from time to time.
- 2.19. “Vehicle”** means an automobile, motorcycle, trailer, truck, traction engine, farm tractor, snowmobile and any vehicle drawn, propelled, or driven by any kind of power, including muscular power.
- 2.20. “Utility”** means the watermain, sanitary sewer, storm sewer, private drain connection, water service, water valve, fire hydrant, manhole, valve chamber, and other related appurtenances with respect to the operation of the water and waste water networks.

3. Prohibitions

3.1. Requirement for Entrance Permit

No person shall construct or alter an entrance, including the installation of a culvert pipe or make a curb cut on a road until the Owner has applied for and received the Permit to proceed with the construction from the Public Works Superintendent. The application required is contained in “Schedule C”, attached hereto and forms part of this By-law.

3.2. Entrance Established Without Permit

Any entrance established in contradiction to the provisions set forth in this By-law and/or which a permit cannot be issued in compliance to the

provisions of this By-law, may be removed or altered by the Township at the Owner's expense.

3.3. Alterations to Existing Entrances

No person shall extend or alter an existing entrance until the Owner has applied for and obtained an Entrance Permit from the Public Works Superintendent.

3.4. Pave Existing Entrance

No person shall pave that portion of an existing entrance which is located on the road until the Owner has applied for and received written permission from the Public Works Superintendent. All work shall be carried out in accordance with the Township specifications, at the expense of the Owner.

3.5. Entrance Change of Use

No Residential Entrance shall be used as any other type of entrance from that of which the Owner has applied for and to which a Permit has been approved, as given in the Entrance Permit authorized by the Public Works Superintendent.

3.6. Conditions for Entrance Permits

3.6.1. Every Owner who makes an application for an Entrance Permit shall complete and submit the application form and all information and documentation pursuant to the application requirements. The Entrance Permit Applications are available at the Municipal Office and on the Municipal Website.

3.6.2. All applications for an Entrance Permit shall be accompanied by the prescribed fee as set out in the attached "Schedule A" forming part of this By-law.

3.6.3. Prior to the issuance of any Entrance Permit, the application will be reviewed against the Township Engineering Standards for strict compliance by the Public Works Superintendent. No permit will be issued that is non-compliant to the approved standards unless the Public Works Superintendent and the applicant receive prior written consent of Council.

3.6.4. Every permit issued by the Public Works Superintendent shall be subject to the conditions in the "Schedule B" attached hereto and thereby forming part of this by-law.

3.6.5. No entrance shall be constructed, extended, altered or maintained so as to cause or create any interference with mains, trunks, hydrants, laterals or any other part of any of the infrastructure of the Township water systems, waste water system or any other public utility.

3.6.6. The construction of the entrance in accordance to the specifications given by the Public Works Superintendent is the sole responsibility of the Owner. The area comprising the construction site for the purposes of the installation of the entrance is under the liability of the Owner, thereby, they are responsible for any and all damages, fines, and fees that may arise from any accident, injury, or damages to the surrounding property.

3.6.7. Upon the approval of the requested entrance location,

3.6.7.1. the Township of Assiginack will install the required post and 911 number for that lot location, following all guidelines as required for the same.

3.6.7.2. Where the address is located within town limits, the Owner is responsible for the installation pursuant to the Civic Address By-law.....

3.7. Maintenance

3.7.1. The Township shall maintain and replace, as becomes necessary, any culvert installed under the provisions of the Entrance Permit. When and where any maintenance work is executed, Township of Assiginack will, where at all possible and within so much as the road allowance allows or as far as possible, re-establish the surface of the entrance to the original condition.

3.7.2. The owner of a property serviced by an entrance shall be responsible for maintaining the surface of each entrance from the property line to the travelled portion of the road.

3.7.3. Despite the provisions of 3.7.1., where the need to replace or repair any culvert has arising from any act done or permitted to be done by any person, the cost of the replacement or repair shall be recoverable against that person under the provisions of this By-law.

3.8. Hazardous Entrances

Any entrance on a road which, in the opinion of the Public Works Superintendent, is considered a hazard to a pedestrian and vehicular traffic or impedes the flow of water such as to create a potential danger to the public or property, will be immediately removed by the Township of Assiginack and the full extent of provisions under Section 3.7.3. shall apply and are not limited thereto.

3.9. Work Performed by the Township of Assiginack

Where this By-law stipulates that the Township of Assiginack may be required to complete work to rectify action or inaction, as the case may be, where the Standards or procedures utilized by the Owner, are contrary to the stipulations enacted in this By-law, this such work by the Township of Assiginack is completed at the sole expense of the Owner. The complete cost to remedy back to the permit standards, together with any charges, damages(including injury) or other expenses payable by the Township arising from the completion of these works, shall be paid by the Owner within 90 days of the issuance of the invoice for the same and if not paid, the same may be recovered by the Township of Assiginack in the same manner as taxes and/or by due process of Law.

3.10. Indemnify

Every person wishing to carry out work under a permit on any road, shall firstly insure or provide proof of insurance against all damages or claims for damages against the Township that may arise as a result of the work in an amount satisfactory to the Public Works Superintendent.

4. Penalties

4.1. In addition to the provisions set out in Section 3.9 of this By-law, any person who contravenes any provisions of this By-law, is guilty of an offence, and upon conviction is liable to a fine as provided for in the Provincial Offences Act and each day that a breach of this By-law continues shall constitute a separate offence.

5. Miscellaneous

5.1. If any provision of this By-law is inconsistent with the Municipal Act, the Public Transportation Act, the Highway Traffic Act or any other Act, the provisions of the applicable Act shall prevail.

- 5.2. Should any section, subsection, clause, paragraph or provision of this By-law, including any part of the Schedules to this By-law, be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this By-law as a whole or any part, other than the provisions or part of the Schedule declared invalid.
- 5.3. Where the context permits, words importing the singular shall also include more than one person, parties, or things of the same kind. Where the context permits, words importing the masculine gender also include the female as well as the male.
- 5.4. For the purposes of this By-law, the word "may" must be construed as discretionary and the word "shall" be construed as mandatory.
- 5.5. **THAT** this By-law may be cited as the "Entrance Permit By-law"
- 5.6. **THAT** this By-law shall apply to all highways and roadways under the jurisdiction of the Township of Assiginack

6. Validity

- 6.1. If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clause or provision of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

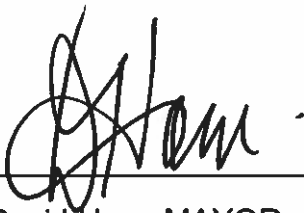
7. Effective Date

- 7.1. This By-law shall come into effect on the date of the third reading and it being passed.

AS READ a **FIRST** and **SECOND** time, this November 3 2020,

AND AS READ a **THIRD** and **FINAL** time and considered passed, in open Council, this

November 3 2020.



David Ham, MAYOR

seal



Alton Hobbs, CAO/DEPUTY CLERK

The Corporation of the Township of Assiginack

Entrance Permit Fees

Schedule "A"

Fees for Entrance Permits requested within any Zone having Municipal jurisdiction of the Corporation of the Township of Assiginack Zoning By-law

Entrance Permit	\$100.00 per permit, until such a time the fee is amended by council.
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The Corporation of the Township of Assiginack

Schedule "B"

Application for an Entrance Permit

PERMIT NUMBER
E - _____

Owner Information:

Name of Owner			
Mailing Address			
Contact Information	Phone:	Email:	
Owner Description	<input type="checkbox"/> Person(s)	<input type="checkbox"/> Company	<input type="checkbox"/> Estate <input type="checkbox"/> Other:

Detailed description of the Lot and Work:

Legal Address of Lot	Address: _____	Lot & Cons Number: _____	Plan Number: _____
Roll Number	5111 - 000 - 0 _____ - _____ - _____ - 00		
Dimensions of Land:	Frontage: _____	Depth: _____	
	Area: _____	Zoning: _____	

Access requested to front on the following road:	Street Name: _____
Is there a current and separate access point?	Please describe: _____
Is subdivision assumed?	<input type="checkbox"/> Yes <input type="checkbox"/> No (For clarification contact the Planning Board at 705-282-2237)
Proposed work to include the following: (Please check all that will apply.)	<input type="checkbox"/> Installation of a new driveway culvert <input type="checkbox"/> Extension of existing driveway culvert <input type="checkbox"/> Widening of existing driveway <input type="checkbox"/> Widening of existing curb depression <input type="checkbox"/> Additional parking for Accessory Dwelling Unit <input type="checkbox"/> Paving of boulevard apron <input type="checkbox"/> Landscaping / Gardens <input type="checkbox"/> Storage of construction material, equipment and or bins on roadway <input type="checkbox"/> Short Term 1 to 2 days, <input type="checkbox"/> Longer Term 3+ days <input type="checkbox"/> Work in conjunction with another permit:
Proposed Dates: (Not to exceed 30 days)	Start: _____ End: _____

Applicant / Agent Authorization

Name of Applicant/Agent			
Mailing Address			
Contact Information	Phone:	Email:	
	<input type="checkbox"/> Person(s)	<input type="checkbox"/> Company	<input type="checkbox"/> Other:

I / we _____ authorize _____
Name(s) of the property owner Name of person authorized as the agent
 To act as my agent and sign the application form to the Township of Assiginack on my behalf, in the respect to the property and work described in this application. I/we further acknowledge that I/we have read the information provided in this application and certify it to be accurate and correct to the best of my/our knowledge.

 Signature(s) of property owner _____
 Date

Entrance Permit Application: Contractor Information

Name of Company			
Company Address			
Site Contact Information	Phone:	Email:	
Insurance Information	Company:	Policy Number:	Contact:
WSIB Information	Clearance Certificate Number:	Expiry Date: (MM/DD/YY)	

Proposed Site Plan of Property
<p>The site plan shall be attached and showing the following:</p> <ul style="list-style-type: none"><input type="checkbox"/> Property dimensions<input type="checkbox"/> Position of the new or proposed driveway, fixtures on site including setbacks from all lot boundaries, roadways and waterbody courses as set out in the Township of Assignack Zoning By-law.<input type="checkbox"/> Location of utilities<input type="checkbox"/> Location of well<input type="checkbox"/> Parking spaces

Submission Requirements	
<p>The application process requires the following to be attached to this application, accurate and completed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Payment of Administration Fees \$100: <ul style="list-style-type: none"> <input type="checkbox"/> Bin, Material or Construction Equipment on the roadway <input type="checkbox"/> Fee for New Driveway Entrance or Widen Existing Driveway <input type="checkbox"/> Copy of the Legal Plan for the Property; <input type="checkbox"/> Dated photograph of the front elevation of the home including public property (Must show any hydrants, trees, shrubs, utility boxes, etc); Detailed Site Plan showing existing and proposed features and be complete with dimensions in the previous section of this form; <input type="checkbox"/> A valid Certificate of Insurance (COI), naming the Township of Assiginack as the certificate holder; <input type="checkbox"/> Valid WSIB Certificate; <input type="checkbox"/> Traffic Control Plan (if required). 	<p>OFFICE USE</p>
<p>Confirmation of receipt by Administrative Staff:</p>	<p>Date:</p>
<p>*Does not confirm information contained is verified, accurate and complete</p>	

Terms and Condition of Approval
<ol style="list-style-type: none"> 1) Open cutting of roadways, sidewalks, boulevards, or residential driveways is not permitted except in strict accordance with the provisions of this permit. 2) The Applicant is responsible for the entire work site including restoration thereof, and any costs incurred or associated with this permit. Any future repairs required to be completed by the Township due to settlement will be at the expense of the applicant. 3) The Applicant is responsible for any damage caused to the roadway, curb, boulevard, paved driveway apron, sidewalk, boulevard tree, or other appurtenances located on or within the Municipal property. Any repairs required as a result of damage to the Municipal property from the work will be completed by the Township at the full expense of the Applicant. 4) Restoration of the work area shall be to a condition that meets or exceeds the pre-construction site conditions. Grass areas shall be sodded, watered and maintained until adequate root growth is established. Applicant is to provide dated pictures when the worksite is restored to the standards herein. 5) The Applicant/contractor shall ensure that all necessary traffic control measures are provided in accordance with MTO Book 7 requirements. Disruption of traffic flow shall be minimized where possible. 6) Any materials, vehicles and or equipment stored on the boulevard or roadway shall be adequately delineated using traffic cones or barrels and shall not impede the flow of vehicular or pedestrian traffic in any way. 7) All work being undertaken within a Capital Construction area shall be co-ordinated with the Town's Public Works Superintendent 705-859-3780. <p style="margin-top: 20px;">“All personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and Municipal Act, 2001. The information will be used for the purposes of the Township. Any questions may be forwarded to the Township Office, 156 Arthur Street, Box 238, Manitowaning, ON P0P1N0. Telephone 705-859-3196 or Fax 705-859-3010”</p>

I / we, the undersigned, understand that under the provision of this Application for Entrance Permit, the owner, operator or agent who has obtained a permit is responsible for any and all damages that may be caused to the highway, encroachments or right of way resulting from the work associated with this permit, or by reason of the driving, operation or moving of heavy vehicle, load, object or structure.

I / we, the undersigned, hereby agree to the conditions set forth on the Entrance Permit Application and agree to assume all costs for works, damages or repairs incurred as a result of

enacting work under this application. Where the work may be in compliance or non-compliance of the Entrance Permit By-law.

As of the date of this application for an Entrance Permit, I have examined the contents of this application, and I certify the correctness of the information submitted in with the application insofar as I have knowledge of these facts, and I concur with the submission of this application to the Township of Assiginack.

I acknowledge and accept the responsibilities imposed by this By-law in relation to the operation of a commercial motor vehicle under the authority of the permit(s) issued pursuant to the application.

Applicant/Agent Signature

Date

Applicant/Agent Printed

FOR OFFICE USE ONLY	
<p><u>ZONING COMPLIANCE</u></p> <p><input type="checkbox"/> Application Complete Date; _____</p> <p><input type="checkbox"/> Received By: _____</p> <p><u>ZONING REVIEW RESULTS</u></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved</p> <p>Reviewed By: _____ Date: _____</p>	<p><u>TRANSPORTATION COMPLIANCE</u></p> <p><input type="checkbox"/> Application Complete Date; _____</p> <p><input type="checkbox"/> Received By: _____</p> <p><u>TRANSPORTATION REVIEW RESULTS</u></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved</p> <p>Reviewed By: _____ Date: _____</p>

APPLICATION APPROVAL
<p>This Application for an Entrance Permit as detailed above is hereby approved, subject to the conditions contained herein. All work shall be in strict accordance with this approval.</p> <p>_____ Public Works Superintendent, or designate</p> <p style="text-align: right;">_____ Date</p>

APPLICATION COMPLIANCE AND COMPLETION
<p>Non-Compliant Issues noted: [] Not applicable</p> <p><input type="checkbox"/> Detailed Non-compliance Notice Issued – Dated: _____ [] Done</p> <p><input type="checkbox"/> Detailed Non-compliance Notice Issued – Dated: _____ [] Done</p> <p><input type="checkbox"/> Detailed Non-compliance Notice Issued – Dated: _____ [] Done</p> <p>Completion:</p> <p>This Application for an Entrance Permit, as detailed above, is hereby completed, inspected and accepted as in compliance with this application.</p> <p>_____ Public Works Superintendent, or designate</p> <p style="text-align: right;">_____ Date</p>