

TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS

BY-LAW 08-049

BEING A BY-LAW TO ESTABLISH A TOWNSHIP PROPERTY ENTRANCE POLICY

WHEREAS the Municipal Act imposes on local municipalities the obligation to manage and maintain the public road system lying within the boundaries of the municipality;

AND WHEREAS the Township receives requests from time to time from ratepayers and other interested parties for permission to construct entrances from private property to township roads;

AND WHEREAS the Township has a responsibility to ensure all entrances to township roads are safe for the public who use the township roads;

NOW THEREFORE the Council of The Corporation of the Township of Leeds and the Thousand Islands enacts as follows:

1. Criteria

1.1 The Township of Leeds and the Thousand Islands Public Works Department will consider the following criteria when reviewing all applications for new entrances or alterations to entrances:

- a) Protection of the public through the creation of safe traffic movement conditions onto and from township roads.
- b) Operation of the traffic travelling on the township road network.
- c) Protection of the public investment in township road facilities.
- d) Optimizing township expenditures on the construction and maintenance of private entranceways.
- e) Providing legal access to township roads from adjacent private property.
- f) Minimizing future maintenance problems and reconstruction costs.
- g) Visibility of drivers on township roads and of drivers entering the public road from the entrance.
- h) Provincial policies and standards relative to drainage requirements and entrance construction.

2. Entrance permits

2.1 Entrance permits are required for:

- a) Creation of a new entrance (paved or unpaved).
- b) Changing the design of an existing entrance.
- c) Changing the location of an existing entrance.
- d) Changing the use of an existing entrance (e.g. from residential to commercial).
- e) Construction of a temporary entrance or the use of any part of the highway right-of-way as a means of temporary access.
- f) Construction of an off road parking area.

3. Definitions

- a) Field entrance: is an entrance that provides access to agricultural fields.
- b) Farm entrance: is an entrance that provides access to farm buildings and agricultural lands.
- c) Residential entrance: is an entrance that provides access to residential facilities of four units or less.
- d) Commercial/Industrial/Institutional entrance: is an entrance that 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.

- e) Temporary entrance: is an entrance that provides access to properties for a limited period not to exceed six months for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.
- f) Emergency entrance: is an entrance that provides access to subdivision developments for emergency vehicles only, in the event that the 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.
- g) Off road parking area: is a parking area along a township road for a property that cannot gain year-round access from a driveway. Usually reserved for locations with steep slopes and small lot sizes.
- h) Applicant: shall mean the person who signs the entrance permit application and makes himself/herself responsible for the installation of the entrance or parking area.
- i) Entrance permit: is a permit issued by the Township to give permission to an applicant to construct an entrance of a township road.
- j) Temporary permit: is a permit issued before and while the work is being completed on the entrance. Temporary permits must be confirmed as permanent permits within 120 days or the entrance shall be removed by the Township.
- k) Design: shall mean the requirements, as set out by the Director of Public Works or his/her designate, which need to be met in order to construct an entrance. Requirements may include a culvert, the size and length of which shall be determined by the Director of Public Works or his/her designate, the amount of gravel needed and the grade of the gravel, the slope needed on the entrance, etc.

4. Procedure for application of entrance permit

- 4.1 An application for an entrance permit shall be filled out whenever an owner or his agent wishes to create an entrance as defined in section 2. The application shall be returned to the Director of Public Works or his/her designate for inspection of the described area and approval of the proposed design. If the area and the design are acceptable to the Director of Public Works or his/her designate, he/she will issue a temporary permit.
- 4.2 Except in the case of the construction of a new entrance, the Director of Public Works or his/her designate, when requested, shall do a final inspection on the work done and if it is acceptable to the Director of Public Works or his/her designate a permanent permit shall be issued.
- 4.3 In the case of the construction of a new entrance, a temporary permit must be issued with the building permit. Temporary construction entrances would not require culverts unless intolerable water/drainage conditions are present and a culvert is deemed necessary by the Director of Public Works or his/her designate.
- 4.4 Upon completion of construction, a permanent entrance must be installed as per a design approved by the Director of Public Works or his/her designate. The permanent entrance may be in the same location as the temporary entrance.
- 4.5 Upon final inspection by the Director of Public Works or his/her designate, a permanent entrance permit shall be issued.
- 4.6 An entrance may be installed by the Township or the owner or his agent. If the Township installs the permanent entrance, the full cost of the installation shall be charged to the owner of the property. When the installation is complete, an invoice shall be sent to the owner of the property. If the property owner does not pay the invoice within 30 days, the amount payable shall be transferred to the owner's property tax account and collected in the same manner as property taxes.

5. **Location of entrances**

- 5.1 The proposed entrance location is to be clearly illustrated on a sketch that is to accompany the application for an entrance permit.
- 5.2 The sketch 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.
- 5.3 The Township may restrict the placement of an access to a township road in the interest of public safety. New accesses must be located so as to provide, in the opinion of the Director of Public Works or his/her designate:
 - Safe movement of public traffic, pedestrians or other users of the highway.
 - Favorable vision, grade, and alignment conditions for all traffic using the proposed access to the township road.

6. **Restrictions**

- 6.1 In general, new entrances will only be permitted where, in the opinion of the Director of Public Works or his/her designate, the entrance will not create unsafe traffic operating conditions, is not too close to an intersection or a bridge and the sight distances are adequate for entering and exiting the township road.

7. **Minimum visibility requirements**

- 7.1
 - a) Residential/Field/Farm entrances: For newly created residential lots, the minimum site distance is 120 meters (394 ft) in each direction where the posted speed is 70 km/h or less and 150 meters (430 ft) in each direction where the posted speed is higher than 70 km/h.
 - b) Commercial/Industrial/Institutional entrance: For newly created commercial, industrial or institutional entrances the minimum site distance is 180 meters (600 ft) in each direction where the posted speed limit is 70 km/h or less and 200 meters (660 ft) in each direction where the posted speed is higher than 70 km/h.
- 7.2 For existing lots of record, residential, field/farm entrances may be considered with reduced site distances if no alternative entrance is available. Such lots must have a minimum sight distance of 90 meters (295 ft) in each direction. Entrance installation/construction may require traffic warning signage.

8. **Design standards**

- 8.1 The design of any entrance to a township road shall be in accordance with the provisions of this by-law and require the approval of the Director of Public Works or his/her designate. Most entrances will include the installation of a culvert. All work needed for the construction of an entrance/access shall be the sole responsibility of the applicant.
- 8.2 As a minimum, new entrances to a township road must be designed, constructed, and maintained in a manner that will prevent surface water from the entranceway or from the adjoining property being discharged via the new entrance onto the travelled portion of the township road.

9. **Maintenance of entrances**

- 9.1 Property owners having access to a township road are fully responsible for the maintenance of the entrance including the surface (gravel, asphalt, concrete, etc.) as well as 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.

- 9.2 The Township shall be responsible for the maintenance of the culvert and drainage through the culvert.

10. Replacement of entrance culverts

- 10.1 If the entrance includes a culvert, the property owner shall be responsible for the replacement of the culvert when the need arises. If, in the opinion of the Director of Public Works or his/her designate, a replacement culvert is required and the property owner fails to replace it after being advised in writing and been given at least sixty (60) days to replace the culvert, the Township shall replace the culvert and invoice the property owner for the cost of the replacement. If the property owner does not pay the invoice within 30 days, the amount payable shall be transferred to the owner's property tax account and collected in the same manner as property taxes.

11. Number and width of entrances

- 11.1 It will be the policy of the Township to:
- a) Limit the width of accesses to discourage the construction of entrances wider than required for the safe and reasonable use of the entrance.
 - b) Limit the number of accesses to a property to the number required for the safe and reasonable access to the township road and in general, conformity with the following:
 - 1) Residences - one per property (except in certain circumstances where it is deemed to be a safer entrance when a circle drive has been constructed).
 - 2) Farm Buildings - one per farm (except in exceptional circumstances).
 - 3) Farm Entrance - one field entrance per farm with additional field entrances where natural obstructions within the field prevent reasonable access across the field.
 - 4) Commercial/Industrial Entrances - maximum of two with a minimum spacing of 30 metres between entrances.

12. Filling in of ditches

- 12.1 Filling in of ditches in front of properties will only be allowed in special circumstances using construction methods approved by the Director of Public Works or his/her designate.

13. Mutual entrances

- 13.1 Mutual (or "common") entrances are entrances serving more than one lot. Typically, they serve two lots, but it is not uncommon for such entrances to serve three or four lots as well.
- 13.2 Because of potential ownership problems, mutual entrances should only be considered in the following situations:
- i. Individual entrances are not possible due to physical constraints.
 - ii. It is impractical to build a road due to the small number of lots involved.

14. Liability

- 14.1 Where damage or other types of disturbance occur to the entrance due to shoulder grading or snowplowing, the Township shall not be held liable for such damages to paving stones, surface treatment, asphalt pavement, concrete pavement, etc - on the Township's road allowance. Where a private land owner has constructed works on the municipal right of way, the township may, at its discretion remove or alter such works in the course of maintaining and/or improving the township road system.

14.2 Permission must be granted from the Director of Public Works or his/her designate prior to a property owner paving from his property limits to the paved edged of the township road.

15. Fees & Deposits

15.1 Fees & deposits for entrance permits and inspections shall be as listed in the "General Fees and Rates By-law"

16. Cancellation of entrance permit

16.1 Where an entrance has not been constructed and accepted by the Director of Public Works or his/her designate within six months of the date of the permit, then the permit shall be null and void.

17. General


17.1 This by-law shall come into force and take effect on the day it is passed.

17.2 This by-law shall be known and may be cited as the "Property Entrance Policy By-law July 08".


READ A FIRST AND SECOND TIME THIS 14th DAY OF JULY 2008.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF AUGUST 2008.

**THE CORPORATION OF THE TOWNSHIP OF
LEEDS AND THE THOUSAND ISLANDS**



Frank Kinsella, Mayor



Vanessa Latimer, Clerk

