

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW NUMBER 2019-22

Being a By-law to Regulate Access onto
Township Roads (Entrance Permit By-law)

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 bylaws in respect of a highway over which it has jurisdiction;

AND WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a By-law passed for this purpose may include the imposition of a fee or charge;

AND WHEREAS pursuant to Section 398 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Township 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 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, the Township may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS the Council of the Corporation of the Township of Perry deems it necessary to regulate the location, construction and use of entrances on Municipal Highways;

AND WHEREAS the Township has delegated authority to the Working Roads Supervisor for administration of this By-law and for the issuance of permits and to the appointed By-law Enforcement Officer as a provincial offences officer, as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, for enforcement of this By-law;

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

1. In this By-law,
 - a. "Act" shall mean the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
 - b. "Applicant" shall mean a person being the owner(s) of a lot or his or her authorized agent applying for an Entrance Permit.
 - c. "By-law Enforcement Officer" means the By-law Enforcement Officer for the Township of Perry or designate.
 - d. "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 Highway under jurisdiction of the Township of Perry and includes the tiling and covering or filling of a roadside ditch for the purpose of improving a lawn or other frontage.
 - e. "Entrance Permit" shall mean a permit issued under the provisions of this by-law.
 - f. "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof as defined

in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended and the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8.

- g. "Township" shall mean the Corporation of the Township of Perry.
 - h. "Working Roads Supervisor" means the supervisor for roads of the Township of Perry or designate.
2. No person shall construct, alter, improve or use any Entrance without first obtaining an Entrance Permit from the Township, which application form is attached hereto as Schedule "A" to this By-law, and as may be amended from time to time.
 3. Entrance Permits shall be issued in accordance with the standards, policies, and fees set out in accordance with this by-law and the application in Schedule "A" and the Township's Fees and Charges By-law. Every property owner shall, at their own expense, ensure that the entrance is installed as per the issued entrance permit.
 4. An Entrance Permit application shall not be processed without payment of a non-refundable application fee and refundable deposit.
 5. A deposit taken with an Entrance Permit application will not be refunded if a final inspection is not requested of the Township within two years of the issuance of an Entrance Permit.
 6. The Entrance Permit application and fees may be amended from time to time and outlined within the Fees and Charges By-law without amendment to this By-law.
 7. All Entrances shall be a minimum of 3 metres (10 feet) from property lines.
 8. Residential Entrances shall be no wider than 6 metres (20 feet), unless authorized by the Working Roads Supervisor.
 9. Commercial Entrances shall be no wider than 9 metres (30 feet) unless authorized by the Working Roads Supervisor.
 10. No person shall deposit debris from an Entrance onto the travelled portion of a Highway. Any person who deposits debris from an Entrance onto the travelled portion of the Highway shall, at their own expense, remove the debris.
 11. Entrances shall be in accordance with the applicable Zoning By-law, as may be amended from time to time, or as detailed on an approved site plan agreement or as approved under an Entrance Permit issued by the Working Roads Supervisor or designate. Every property owner shall maintain, at their own expense, any additional approved entrances on a lot.
 12. Prior to the issuance of any Entrance Permit, the Working Roads Supervisor shall review the application and detailed site sketch for compliance with the Ontario Provincial Standards for Roads and Public Works and the following, non-exhaustive list of considerations:
 - a) Proximity to other entrances or lane designated for traffic movement;
 - b) Safety considerations or conditions on the permit including clearing of brush, posting of signs, etc.;
 - c) Grading requirements and the appropriate slope (less than 6%), and the ability to level the entrance with the road for a length of approximately 5 metres (16 feet), when applicable;

- d) Design, construction and maintenance in a manner that prevents surface water from the entrance way and/or the adjoining property from being discharged via the entrance onto the Township Highway;
- e) The use of the property.

The Working Roads Supervisor shall have the absolute discretion to issue a permit that has had appropriate regard for the above criteria, including a consideration of alternate or preferable entrance locations, with conditions as determined by an approved site plan agreement by the Township.

- 13. All costs associated with an Entrance Permit, construction of the Entrance in accordance with the terms of the Entrance Permit, and maintenance of the Entrance shall be the sole responsibility of the Property Owner. For further clarity, the Property Owner accepts sole responsibility for ensuring that any timelines or steps required by the application process or Entrance Permit itself are carried out, and the Township shall not be required or expected to provide reminders or notices in this regard.
- 14. Work on an installation or development for which an Entrance Permit is granted must start within six months of issuance of the permit or the permit shall be void and cancelled by the Township.

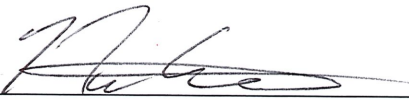
The Entrance is to be completed within 24 months from the date of issue. One 6-month extension may be granted by the Working Roads Supervisor.

- 15. The owner of the property served by an Entrance shall maintain each Entrance in accordance with the requirements of the Township.
- 16. (a) The Township may elect to proceed by way of an Order to discontinue activity and/or a Work Order, and/or the laying of charges. If resolution is not achieved in a manner acceptable to the Township, the Township shall have the authority and discretion to remove any entrance constructed without an Entrance Permit or in contravention of an issued Entrance Permit. Every person who is issued an order under this by-law shall comply.

(b) Any cost for removal shall be the responsibility of the property owner. Recovery of cost for removal may be applied to the property taxes by adding the costs to the tax roll and collecting them in the same manner as property taxes. The amount, including 15% annual interest, "constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien".
- 17. Nothing in this By-law shall prevent the use of any Entrance that was legally in existence prior to the passage of this By-law, provided that the use has been continuously used for that purpose.
- 18. That entrance approval is a pre-requisite to the issuance of a building permit by the Chief Building Official for the Township of Perry.
- 19. 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 in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

20. If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.
21. That this By-law shall be known as the "Entrance Permit By-law"
22. That By-law 2019-19 is hereby repealed.
23. That this By-law shall come into force and take effect upon receiving the final passing thereof.

READ a First and Second Time this 17th day of April, 2019.

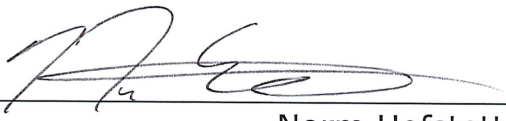


Norm Hofstetter, *Mayor*



Beth Morton, *Clerk/Administrator*

READ a Third and Final Time and Enacted in Open Council this 17th day of April, 2019.



Norm Hofstetter, *Mayor*



Beth Morton, *Clerk/Administrator*

SCHEDULE "A"



Application for Entrance Permit

Entrance Permit Application

Fee: \$250.00 (cash, cheque, debit or credit)

Deposit: \$350.00 (returned upon final inspection approval)

Date: _____

Required Information:

Roll #: _____ Recent Severance: Yes: _____ No: _____

Name: _____

Subdivision Agreement Conditions: Yes: _____ No: _____

Mailing Address: _____

E-Mail: _____ Telephone: _____

Proposed Entrance: Side: N ___ S ___ E ___ W ___

Road Name: _____ Civic No. (if applicable): _____

Lot No.: _____ Con No.: _____

Lot and Plan No.: _____

Type of Establishment: _____

Residential: _____ Seasonal Residential: _____

Commercial: _____ Temporary (logging): _____

Detailed Site Sketch: Must be provided with this application

Office Use Only:

Planning Approval: Yes ___ No ___ Zoning: _____

Culvert Required: Yes ___ No ___ Type: _____

Culvert Diameter: _____ Length Min: _____ Max: _____

Cut: _____ Fill: _____

Comments: _____

- **Approval is based on information and location as provided by the Applicant**
- **The Applicant is required to comply with all other applicable Federal, Provincial and Municipal Statutes.**
- **Owner to ensure drainage from roads or adjacent properties is directed away from buildings.**
- **The Township is not responsible for any surface or road drainage onto the subject property.**

Approved for Installation as specified

By: _____

Date: _____

Final Inspection Installation Approved

By: _____

Date: _____

**The Corporation of the Township of Perry
By-Law Number 2019-22: Entrance Permits
Schedule "B"- Set Fines Schedule Part 1 Provincial Offences Act**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Construct entrance without a permit.	Section 2	\$300.00
2	Alter entrance without a permit.	Section 2	\$300.00
3	Improve/Use any entrance without a permit.	Section 2	\$300.00
4	Install entrance not as per issued permit.	Section 3	\$300.00
5	Install entrance closer than 3m from property line.	Section 7	\$300.00
6	Install residential entrance wider than 6m.	Section 8	\$300.00
7	Install commercial entrance wider than 9m.	Section 9	\$300.00
8	Fail to remove debris from Township Highway.	Section 10	\$300.00
9	Fail to maintain additional approved entrance(s).	Section 11	\$300.00
10	Fail to maintain entrance.	Section 15	\$300.00
11	Fail to abide by issued order.	Section 16	\$500.00

Note: The general penalty provision for the offences listed above is Section 19 of By-law 2019-22, a certified copy of which has been filed.