

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2025-05

BEING A BY-LAW TO REGULATE THE CONSTRUCTION OR ALTERATION OF ANY ENTRANCEWAYS, PRIVATE ROADS OR ACCESS.

Whereas herein after referred to as an “entrance(s)” or culverts, drainage pipe, municipal ditch line or municipal storm sewer component, head walls, and other erosion protection systems herein after referred to as a “drainage system(s)” to within the Townships Road Network and easements.

WHEREAS Section 35 of the Municipal Act, 2001 S.O. 2001, c.35 permits a municipality to pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS the Council of the Corporation of the Township of Horton deems it necessary and desirable to regulate the construction or alteration of any entrance(s), or drainage system(s) to the Township’s Road network and easements and to provide for the issuing of permits related thereto;

NOW THEREFORE the Council of the Corporation of the Township of Horton **ENACTS AS FOLLOWS:**

1. DISCLOSURE

No person shall construct entrance(s) or drainage system(s) within the Township’s Road network or easements for any purpose without first obtaining a permit from the Township. Temporary entrance(s) or drainage system(s) may be installed but shall be subjected to the fees and terms listed herein. The responsibility and cost of constructing or altering all entrances or drainage systems outside of the Townships planned Capital Rehabilitation Plan and maintenance operations shall be the responsibility of the owner of the subject property, or the applicant. The Township shall only assume the cost to construct, alter, replace, or maintain entrances or drainage systems in compliance with the applicable maintenance standards and acts or as listed under the “maintenance of entrances” terms listed herein.

2. APPLICATION PROCESS

All requests for constructing entrances or drainage systems, or alterations to existing entrances or drainage systems shall be forwarded to the Townships Public Works Department. Permit applications shall be reviewed for compliance and may include a site meeting with the applicant to review conditions in the field. Once the entrance and drainage permit application has been reviewed the entrance and drainage permit may be approved or rejected at the sole discretion of the Public Works Manager.

3. CIVIC ADDRESS NUMBER FEE

The Civic Address Number Fee will be as defined in the most current version of the Township’s User Fees and Charges by law. This fee shall be paid to the Township prior to the issuance of the permit.

4. PERMIT FEE

The Permit Fee will be as defined in the most current version of the Township's User Fees and Charges By-law. This fee shall be paid to the Township prior to the issuance of the permit. This fee shall apply to all construction or alterations and will be subject to review and revision by the Township Council as they deem appropriate.

5. SECURITY DEPOSIT FEE

The Security Deposit Fee will be as defined in the most current version of the Township's User Fees and Charges By-law. The security deposit fee indicated on the entrance and drainage permit shall be applied to all applications for entrances or drainage systems and will be retained until the entrance(s) or drainage system(s) construction or alteration is complete, has been inspected by the Public Works Department and is approved for release by the Public Works Manager. Deposit fees shall be paid to the Township prior to the issuance of the permit. The security deposit fees may be utilized to recover costs associated with procuring required signage and components. The security deposit fee shall not be utilized for engineering studies. The applicant shall be responsible for notifying the Township that the work has been completed. If the entrance(s) or drainage system(s) are not completed accordingly the applicant shall either correct the issues to the approval of Public Works Manager or forfeit the deposit amounts entirely which shall be used to bring the entrance(s) or drainage system(s) to an acceptable standard. If the deposit amount is not sufficient to correct the issues the deposited funds shall be used to remove the deficient entrance(s) or drainage system(s).

6. MAINTENANCE OF ENTRANCES AND DRAINAGE SYSTEMS

Excluding alterations to existing Municipal assets and property an entrance or drainage system installed under the terms herein shall be the property of the property owner upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc. shall be the responsibility of the property owner. If the owner of the entrance or drainage system refuses to maintain or replace their assets, the Municipality will do the work at the expense of the owner. The Municipality will send an invoice to the owner to recover the costs.

The Municipality may maintain entrance culverts and drainage systems at no cost to the owner for the following reasons:

- Flow restriction needs to be cleaned out or steamed, due to ice buildup, in order to maintain Township assets.
- Sediment and debris build up in existing Township ditches and drainage systems causing flow to be restricted.
- Damage to the culvert itself by Township maintenance or construction
- The entrance or drainage system needs to be replaced as part of a planned capital reconstruction project and is beneficial to maintain the lifecycle of Townships assets.
- Township altering or constructing ditches resulting in culvert elevations needing to be adjusted or culverts needing installation where previously not required.

These issues will be determined in the field on an individual basis by the Township.

7. PROVISIONS AND STANDARDS

All drainage systems and entrances constructed or altered shall be installed to the following minimum standards unless otherwise determined by the Public Works Manager.

- All entrances and drainage systems shall be constructed or altered in compliance with the most current version of the applicable Ontario Provincial Standards for Roads and Public Works (OPS), The Environmental Protection Act, The Drainage Act of Ontario and industry best practices. OPS are available at: <https://www.library.mto.gov.on.ca/>
- No temporary entrance shall be in place for more than 180 calendar days from the date of application and must be removed and the area restored to its original condition by October 31st of the year of application.
- Drainage system alterations may require a drainage impact assessment to be completed by a licensed engineer if the proposed alteration will significantly impact flow rates within the drainage system. The cost for the drainage assessment shall be the responsibility of the applicant.
- All entrances shall be designed, constructed, and maintained by the owner(s) in such a manner as to prevent the discharge of water from the entrance way or private property onto the travelled portion of the road.
- Entrances shall be a minimum of 7 meters wide and a maximum of 20 meters wide.
- All entrances requiring a culvert shall have a new CSA approved culvert installed with minimum dimensions of 0.4 m (16") wide x 10m (33') length.
- No intake culvert or drainage system shall be installed that is smaller in diameter and flow rate capacity than those that are upstream of the entrance or drainage system unless the applicant can provide technical data to support that the flow rate capacity is equivalent to the upstream outlet(s).
- Entrances shall be installed to have a clear line of sight that conforms with the minimum stopping distance in relation to the posted road speed limit as displayed below:

Posted Speed Limit	Stopping Sight Distances	Stopping Sight Distances
50 Km/h or less	70	60
60 Km/h	95	80
70 Km/h	115	95
80 Km/h	155	125
All measurements are in meters		

- Entrances with stopping sight distances greater than or equal to column A distances shall not require signage or engineering studies.
- Entrances with stopping sight distances between column A and column B distances may require warning signs to be installed in both directions. The cost of purchasing the warning signs shall be the responsibility of the applicant. The Township shall procure the signage and components then bill the applicant on a cost recovery basis. No charges shall be applied for the labor to install the signage.
- Entrances with stopping sight distances less than column B distances, and /or access roadways with more than a 9% downgrade, and / or entrances that may have thirty (30) vehicles or more per day may require an engineering study to confirm the entrance is safe. Vehicular traffic shall be calculated at 5 vehicles a day per property that utilizes the entrance. The cost for the engineering study shall be the responsibility of the applicant.
- Commercial entrances must submit a detailed site plan for approval of Council prior to submitting an entrance permit.
- The decision to request warning signage or conduct engineering studies/assessments shall be at the sole discretion of the Public Works Manager.

- Entrances constructed within 60 meters of an intersection shall be installed as far from the intersection as possible and shall access the lowest traffic volume roadway that is accessible.
- Entrances constructed near a controlled intersection requiring vehicular traffic to always come to a complete stop on the accessed roadway shall only be required to attain the stopping sight distances on the lane that is not controlled.
- Entrances constructed near a termination (dead end) of the roadway on the accessed roadway shall only be required to attain the stopping sight distances on the lane that does not terminate.
- The decision to approve or reject an application to construct or alter an entrance or drainage system shall be at the sole discretion of the Public Work Manager.
- Permit fee refunds shall not be issued under any circumstances.

8. PENALTIES

Every person who constructs or alters an unpermitted entrance(s) or drainage system(s) shall upon conviction be liable to a fine multiplied per entrance or drainage system of:

- not less than \$500.00 and not more than \$1,000.00 for a first offence,
- not less than \$1,000.00 and not more than \$2,000.00 for a second or succeeding offence.

Every person who discharges water onto the road network ,or piles snow, material, or debris within the Townships road network or easements in such a manner that restricts water flow to a culvert or drainage system, restricts or lessens line of sight and the safety of the public, or damages Township infrastructure through the act of snow removal, or piling snow, material, or debris shall upon conviction be liable to a fine of:

- not less than \$500.00 and not more than \$1,000.00 for a first offence,
- not less than \$1,000.00 and not more than \$2,000.00 for a second or succeeding offence.

Any person who contravenes any of the provisions or part of this By-law is guilty of an offence and shall, upon conviction, therefore, be liable to penalties as stated above and provided under the Provincial Offences Act. Such a penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990.

9. OTHER PROVISIONS

By law 2011-37 shall be repealed in its entirety.

This by-law shall come into force and effect on the final passing thereof.

Read a First and Second Time this 14th day of January, 2025.

Read a Third Time and Passed this 14th day of January, 2025.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough