

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 1967-15

A By-Law to Regulate the Installation of Culverts Placed on Municipal Road Allowances and to Provide Access Therefrom to Private Abutting Lands.

WHEREAS pursuant to Section 8(3) of the *Municipal Act, 2001*, as amended, states without limiting the generality of subsection (1) and (2), a by-law under Section 10 respecting a matter may regulate or prohibit the matter and require persons to do things respecting the matter; and

WHEREAS pursuant to Section 9 of the *Municipal Act, 2001*, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS pursuant to Section 10(1) of the *Municipal Act, 2001*, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS pursuant to Section 10(2)(7) of the *Municipal Act, 2001*, as amended, a single-tier municipal may pass by-laws respecting services and things that the municipal is authorized to provide under subsection (1); and

WHEREAS pursuant to Section 10(2)(8) of the *Municipal Act, 2001*, as amended, a single-tier municipally may pass by-laws respecting the protection of persons and property; and

WHEREAS pursuant to Section 128(1) of the *Municipal Act, 2001*, as amended, a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of council, are or could become or cause public nuisance; and

WHEREAS it is deemed expedient for the purpose of uniform installation of all such culverts and that certain regulations be established by the Municipality;

NOW THEREFORE Council of the Corporation of the Township of Ear Falls **HEREBY ENACTS AS FOLLOWS:**

1. Definitions

- 1.1 Land Owner shall mean the registered owner of the land.
- 1.2 The Township of Ear Falls shall mean The Corporation of the Township of Ear Falls.
- 1.3 Public Service & Operations Supervisor shall mean the person appointed to the position of Public Service & Operations Supervisor by the Council of the Township of Ear Falls or their designate.

2. Entrances

- 2.1 Land owner(s) requiring an entrance within the Municipal right-of-way must have an Entrance Permit authorized by the Public Service & Operations Supervisor, prior to installation.
- 2.2 An entrance shall conform to the following standards:
 - i. The entrance shall be a minimum of 6.0 meters (19.685 feet) wide, less the requirements of Schedule "A", Section 3;
 - ii. If two entrances are located on one lot there must be a minimum of 8.0 meters (26.246 feet) between the two entrances.
 - iii. If an entrance is adjacent to an intersection there must be a minimum of 8.0 meters (26.246 feet) between the entrance

and the intersection.

- 2.3 The location of the entrance is to be determined by the Public Service & Operations Supervisor and marked on the Entrance Permit.
- 2.4 If a second entrance is permitted it must meet the requirements as stated in Section 2.2.
- 2.5 There will be no entrance permit required or fee payable for an entrance onto a provincial highway as this is an area of Provincial jurisdiction. A copy of the Ministry of Transportation permit must be submitted to the Public Service & Operations Supervisor.
- 2.6 Entranceways shall be constructed to a uniform standard as per the surrounding area.
- 2.7 The Municipality shall retain ownership of entranceway once installation is completed to the satisfaction of the Public Service & Operations Supervisor.

3. Culverts

- 3.1 The Public Service & Operations Supervisor will determine the need for a culvert.
- 3.2 Should a culvert be deemed necessary, it shall conform to the following Municipal standard as follows:
 - i. The culvert must be new;
 - ii. Culverts must have a minimum diameter of 381 mm unless otherwise agreed upon;
 - iii. Culvert length must be a minimum of twenty (20) feet;
 - iv. The Public Service & Operations Supervisor may demand a larger and/or longer culvert if he/she feels it is warranted;
 - v. The culvert must be new dual wall corrugated HOPE pipe (smooth inner wall) or new galvanized metal pipe;
 - vi. Culverts shall be installed in accordance with the attached "Schedule A". Driveways should be sloped to the edge of the roadway;
 - viii. The Application for an Entrance Permit (Schedule "B") attached to and forming part of this By-Law shall be completed. The applicable fee is referenced in Schedule "C-02" Culvert Fee Schedule in the Schedule of Fees By-Law; and
 - ix. No deviation of any of the above standards shall occur without the written permission of the Public Service & Operations Supervisor.
- 3.3 The land owner(s) is responsible for the purchase and installation of the culvert under the supervision of the Public Service & Operations Supervisor.
- 3.4 No Occupancy Permit shall be issued by the Municipality for any building on private land, the access to which, in the opinion of the Public Service & Operations Supervisor, requires the installation of a culvert; and until such time the culvert has been installed.

4. Standard Provisions

- 4.1 When restoring entrances the Township of Ear Falls will not finish beyond a granular "A" surface within the Municipal right-of-way due to culvert replacement or maintenance of entrance.
- 4.2 The Municipality reserves the right to change or alter any entrance at any time. Any finished work, i.e. interlocking brick, paving, clear stone will be the responsibility of the land owner.
- 4.3 If any damage is done to a municipal road during the construction of

an entranceway, the road shall be repaired to the satisfaction of the Municipality at the cost of the land owner.

- 4.4 If approved, entrances that do not meet the site line requirements will be required to pay for hidden entrance signs and their placement.
- 4.5 The site line requirements referred to in section 4.4 are set out in the Geometric Guidelines for Municipal Roads (OGRA) which may be amended from time to time.
- 4.6 Prior to constructing an entranceway, it is the responsibility of the land owner to have all buried infrastructure located.
- 4.7 Prior to constructing an entranceway, it is the responsibility of the land owner to ensure proper clearance from all suspended infrastructure is maintained.
- 4.8 Consultation with applicable Ministries is the responsibility of the land owner, if required.

5. Enforcement

- 5.1 It is the land owner's responsibility to assure compliance with this By-Law.
- 5.2 Failure to comply within fifteen (15) days after written notification of any deficiencies identified will result in the Municipality contracting to do the work at the expense of the land owner.

6. Validity

- 6.1 If a court of competent jurisdiction declares any provision, any part of a provision, in this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law be applied and enforced in accordance with the terms to the extent possible according to law.

7. Short Title

- 7.1 This By-Law may be cited as the Township of Ear Falls "Entrance and Culvert By-Law".

- 8. **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

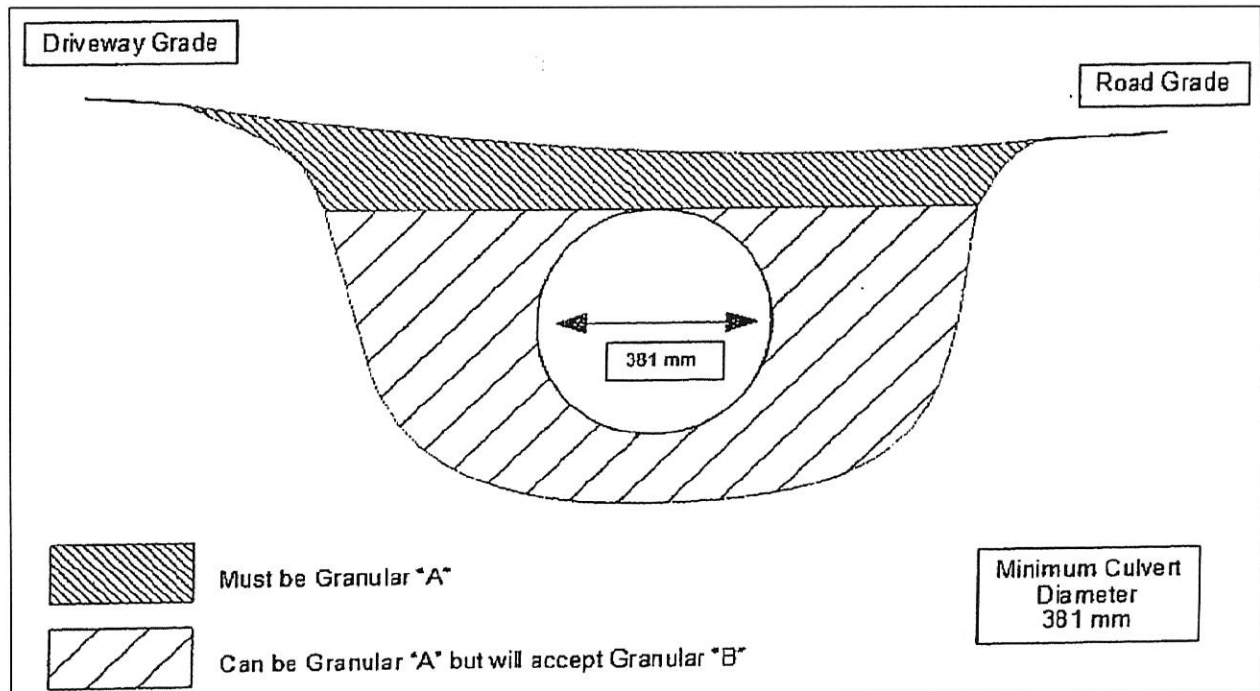


Mayor



Clerk

Schedule "A"
To By-Law No. 1967-15
Culvert Installation Specifications



1. Must be a minimum of 300 mm of specified material all around pipe including underneath in order to prevent frost action.
2. Minimum of 150mm (5.905 inches) Granular "A" above pipe.
3. Head walls or fabricated head walls are allowed at ends of culvert. Culvert must be exposed a minimum of 300mm (11.811 inches) at both ends.
4. Entranceway must be sloped from centerline to culvert ends and shall not be higher in elevation than the grade of municipal road where they meet as, this will result in damage to driveway during grading operations. The Municipality will not assume responsibility for damage caused as a result of this.
5. Entranceway shall be developed in such a manner that drainage from Municipal roads cannot accumulate on private property.
6. All new or altered entrances must be approved prior to installation.
7. All lengthening of existing culverts must be installed at the same standards as a new entrance.
8. Secondary entrances must have a minimum distance of separation of 8 meters (26.246 feet).



Schedule "B"
To By-Law No. 1967-15
THE CORPORATION OF THE TOWNSHIP OF EAR FALLS
Municipal Office – P.O. Box 309 – 2 Willow Crescent
Ear Falls, ON
POV 1T0

ENTRANCE PERMIT

Website: www.ear-falls.com
E-Mail: eftownship@ear-falls.com

Telephone: (807) 222-3624
Fax No.: (807) 222-2384

Step 1. (Applicant Completes)

Owner/ Applicant

Name (Please Print): _____

Address: _____

Town: _____ Province: _____

Postal Code: _____ Telephone: _____

Street Number / Civic Address: _____

Driveway Surface

Granular "A": _____ Paved: _____ Other (specify): _____

Entrance

New Entrance: _____ Second Entrance: _____

Lengthening of Existing: _____

Available for Site Inspection (Date): _____

Step 2. (Municipality Completes)

Date Administration Fee (\$100.00) Received: _____

Original: ☐ Operations Copy: ☐ Property File/ Tax Clerk ☐ Applicant

Step 3. (Municipality Completes)

Inspection and Approval

Culvert Required: _____ Diameter: _____

Approved for Installation: _____

Signature of P.S.O. Supervisor: _____

Final Inspection (Date): _____

Signature of P.S.O. Supervisor: _____

Special Conditions: _____

Step 4. (Municipality Completes)

Original: ☐ Applicant Copy: ☐ Operations ☐ Property File/ Tax Clerk