

# THE CORPORATION OF THE TOWN OF GORE BAY

## BY-LAW NO. 2007-42

### BEING A BY-LAW TO ESTABLISH AN ENTRANCE PERMIT SYSTEM WITHIN THE TOWN OF GORE BAY

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 8, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 11(1)(6), provides that a municipality may pass By-laws respecting drainage and flood control;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 27(1), provides that a municipality may pass by-laws in respect of a highway over which it has jurisdiction;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 96, provides that a municipality may exercise its powers for the purpose of preventing damage to property as a result of flooding;

AND WHEREAS it is deemed expedient to provide for the regulation of the size and mode of construction of culverts that cross any drain or watercourse situated on a highway;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

#### 1. DEFINITIONS

- a) "Applicant" means a person(s) being the owner(s) of a lot or his or her authorized agent applying for an Entrance Permit.
- b) "Council" means the Council of the Corporation of the Town of Gore Bay.
- c) "Public Works Committee" means a committee duly appointed by the Municipal Council of the Corporation of the Town of Gore Bay
- d) "Public Works Foreman" means the Public Works Foreman of the Town of Gore Bay or his designated representative
- e) "Entrance" means that part of a highway which is used to gain access to private property.
- f) "Boulevards" means any part of a highway where grass is grown or which is not intended for use of vehicles, which is located either between the curb or outside edge of the shoulder or roadway inclusive of the area covered by a sidewalk or footpath or a centre portion of a highway not intended for vehicular traffic.
- g) "Street Line" means the line dividing a private lot and the road allowance.
- h) "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, or bridge, 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.

- i) "Structure" means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and used for the shelter or accommodation of person, animals or goods.
- j) "Town" means the Corporation of the Town of Gore Bay.

## 2. ENTRANCE PERMITS

2.1 No person shall construct, alter, relocate or use an entrance upon a highway under the jurisdiction of the Town except under authority of an Entrance Permit.

2.2 No person shall:

- (a) change a temporary entrance to a permanent entrance;
- (b) create a structure on Town land, or
- (c) apply asphalt, concrete or any other road surfacing material to an entrance without first having obtained an Entrance Permit.

## 3. APPLICATION FOR PERMITS

3.1 An application to install or construct an Entrance shall be in the form of an Application for Entrance Permit as shown in Schedule "A" to this by-law.

## 4. ISSUANCE OF PERMITS

4.1 A permit to install or construct an Entrance shall be in the form of an Entrance Permit as shown in Schedule "B" to this by-law.

## 5. FEES FOR APPLICATION

5.1 Fees for application for a permit to install or construct an Entrance shall be as shown in Schedule "C" to this by-law.

## 6. REFUSAL TO PERMIT AN ENTRANCE

6.1 An application to install or construct an Entrance on a highway may be refused, if in the opinion of the Public Works Foreman the location of such entrance would constitute a safety hazard for traffic.

## 7. CONSTRUCTION REQUIREMENTS FOR AN ENTRANCE

7.1 The location, placement, depth of cover, diameter and length of any required culvert pursuant to an application for an Entrance Permit shall be at the discretion of the Public Works Foreman or his designate.

7.2 All culverts installed for an Entrance shall be of new galvanized corrugated steel.

## 8. APPEAL OF CONSTRUCTION REQUIREMENTS

8.1 In the event an applicant disputes the location, placement, depth of cover, diameter or length of any culvert, grading, ramps or pavement work required by the Public Works Foreman, an appeal may be made by the Applicant to the Public Works Committee (attention: Municipal Clerk) whose decision shall be final.

## 9. FAILURE TO OBTAIN ENTRANCE PERMIT

9.1 In the event a person installs an entrance without first obtaining an Entrance Permit, the person is to be advised of this By-Law and given ten (10) days to comply.

- 9.2 If a person does not comply as per Section 9.1 above, the Town of Gore Bay may remove that portion of the entrance on municipal property and charge back the costs associated with the removal to the property owner.

#### 10. ASSUMPTION FOR MAINTENANCE

- 10.1 Nothing in this by-law shall be construed as placing an obligation upon the Town for maintenance of the driveway surface of an entrance constructed pursuant to a permit issued by the Public Works Foreman.
- 10.2 In the event a property owner is responsible for damages incurred to their entrance, the property owner shall be responsible for all costs associated with repairs and/or replacement of the entrance.
- 10.3 Notwithstanding the provision of Section 9.1 of this by-law, the Public Works Foreman is hereby authorized and directed to maintain and replace one regular twenty-foot (20') culvert limited to one entrance per lot installed as pursuant to this by-law. *(as amended by by-law 2008-31)*
- 10.4 In the event an entrance must be altered by the Town of Gore Bay for the purpose of maintenance, the Town will restore that portion of the entrance whether on town road allowance or private property to gravel surface only. Any further restoration to its previous condition will be the responsibility of the property owner of the entrance. *(as amended by by-law 2008-37)*

#### 11. OBSTRUCTION PROHIBITED

- 11.1 No person shall obstruct any drain, ditch, or watercourse situated on any highway under the jurisdiction of the Town.

#### 12. OFFENCES

- 12.1 Every person who installs, erects or maintains an Entrance on a Municipal Highway in any manner which breaches or causes or permits the provisions of this By-law to be violated shall be guilty of an offence and upon conviction is liable to a fine or penalty as provided in the Provincial Offences Act.

#### 13. CONTINUED USE OF EXISTING ENTRANCES

- 13.1 The use of an Entrance on a Municipal Highway installed or constructed and rightfully in use prior to the passing of this by-law and which does not otherwise meet the provisions of this by-law is permitted.
- 13.2 Any Entrance permitted by the Ministry of Transportation Ontario on a Provincial Highway which is now under the control of the Town as a Municipal Highway is hereby assumed as though it had been permitted by this by-law.

#### 14. EXEMPTION

The Town and its agents are exempt from the requirement to apply for permits and pay fees for an entrance onto property that is owned and operated by the Town.

15. EFFECTIVE DATE

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

READ A FIRST TIME THIS DAY OF , 2007.

READ A SECOND TIME THIS DAY OF , 2007.

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF , 2007.

.....  
MAYOR

.....  
CLERK

“Schedule A”

MUNICIPALITY OF THE TOWN OF GORE BAY

APPLICATION FOR ENTRANCE PERMIT NO:

***PLEASE MARK THE PROPOSED ENTRANCE CLEARLY WITH STAKES FOR INSPECTION PURPOSES***

TO BE FILLED OUT BY APPLICANT

NAME:	(Please Print)		
ADDRESS:			
POSTAL CODE:	CIVIC NO.	PHONE:	

LAND SEVERANCE INFORMATION

Is the application in conjunction with a land severance      YES\_\_\_\_      NO

If “YES” give Severance Application No. \_\_\_\_\_

Application is hereby made to: (Check one or more of the following to indicate proposed work)

- |   |  |
|---|--|
| <input type="checkbox"/> Construct an unpaved entrance  | <input type="checkbox"/> Change the design of an existing entrance   |
| <input type="checkbox"/> Construct a paved entrance   | <input type="checkbox"/> Change the location of an existing entrance   |
| <input type="checkbox"/> Construct curbs, gutter, or other permanent works related to an entrance | <input type="checkbox"/> Use an existing entrance for other than its original present or normal use (Change of classification from residential to commercial etc.) |
| <input type="checkbox"/> Pave an existing entrance  | <input type="checkbox"/> Construct a temporary or use any part of the right-of-way of a Municipality Road as means of temporary access to and from a property      |
| <input type="checkbox"/> Add curbs, gutters, or other permanent works to an existing entrance     |  |

DESCRIPTION AND LOCATION OF PROPERTY

NAME OF PROPERTY OWNER:			
CIVIC ADDRESS:			
MUNICIPALITY	Gore Bay	DISTRICT	Manitoulin

**CLASSIFICATION, USE, PURPOSE AND DETAIL OF ENTRANCE**

**ACCESS REQUIRED FOR**

\_\_\_\_\_ Commercial  
\_\_\_\_\_ Field / Bush

\_\_\_\_\_ Residential  
\_\_\_\_\_ Public Street

Number of Entrances \_\_\_\_\_  
Material Proposed for Use \_\_\_\_\_  
\_\_\_\_\_

It is understood that all works will be constructed, altered, maintained or operated at the expense of the undersigned. That work must not begin before a permit has been issued by the Town of Gore Bay.

The issue of a permit by the Municipality does not relieve the holder of the responsibility of complying with relevant municipal by-laws.

In consideration of any permit issued in respect to this application, we, the applicants for ourselves, our heirs, executors, administrators, successors, and assigns, hereby agree to observe, keep and perform and be subject to the regulations and conditions of the said permit and to indemnify and save harmless, the Town of Gore Bay represented by the Public Works Foreman from and against all loss, cost, changes, damages, whatsoever to which may be put or which the Town of Gore Bay may suffer or sustain or for which the Town of Gore Bay may be liable to reason of anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please draw a sketch (below) of location of proposed entrance. Show the entrances proximity to existing buildings, driveways, roads, etc.

An application for an entrance permit must be accompanied with a deposit of **Five hundred dollars.**

A deposit of **\$500.00 will be refunded** after the entrance has been installed as follows:

1. The culvert, if required, is set to the approved ditch grade.
2. Granular backfill is placed around the culvert, and used to shape the entrance.
3. Granular "A" type gravel to be used to top driveway.
4. The culvert size and entrance-way width are as specified in the permit.
5. The roadside is left in the pre-existing condition. Slopes must be neatly trimmed and not steeper than 2:1. Culvert ends must be clean.
6. An entrance installed on a temporary permit is removed.
7. Only new corrugated steel pipe will be accepted.

## SCHEDULE OF FEES

	ITEM	FEE
1.	Application to Install or Construct an Entrance Permit	\$100.00
2.	Deposit to accompany Application to Install or Construct an Entrance Permit Note: Deposit is refunded provided terms are met as outlined in Schedule "A" to this by-law	\$500.00
3.	"Application to Amend" original Application to Install or Construct an Entrance Permit	\$ 50.00

**ROAD DEPARTMENT USE ONLY**

Length of pipe or culvert                    m                    Size of Pipe                    m  
 Width of Entrance                    m

Approximate distance approaching traffic is visible from the point of entrance to the Municipal Road.

From the Right                    m                    From the Left                    m

Centre line of entrance to be: \_\_\_\_\_

Indicate which, if any, of the following will be affected.

_____ Road Drainage _____ Signs _____ NIL	_____ Trees, Shrubs, Plantings _____ Guide Rail
---	--

Date: \_\_\_\_\_

Signature of Public Works Foreman: \_\_\_\_\_

_____ Approved	_____ Not Approved
_____ Referred to Road Committee	
_____ Classification of Entrance	_____ Municipality Standard

“Schedule B”

**ENTRANCE PERMIT**

**NO.:** \_\_\_\_\_

Roll No.

Severance Application No.

Permit Issued  
For:

Address:

Length of Pipe or  
Culvert

Size of Pipe

Width of Entrance

Indicate which, if any, of the following will be affected.

Road Drainage \_\_\_\_\_

Trees, Shrubs, Plantings \_\_\_\_\_

Signs \_\_\_\_\_

Guard Rails \_\_\_\_\_

NIL \_\_\_\_\_

Classification of Entrance

Municipality Standard

Entrance Location

Centre Line of Entrance to be

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Comments \_\_\_\_\_

Dated at the Town of Gore Bay this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

This permit is issued under the authority vested in the Public Works Foreman by the Council of the Corporation of the Town of Gore Bay By-Law No 2007-42.

ENTRANCE COMPLETED TO SATISFACTION OF PUBLIC WORKS FOREMAN

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
Brian Dittmar, Public Works Foreman  
Town of Gore Bay



**“Schedule C”**

**SCHEDULE OF FEES**

	<b>ITEM</b>	<b>FEE</b>
1.	Application to Install or Construct an Entrance Permit	\$100.00
2.	Deposit to accompany Application to Install or Construct an Entrance Permit Note: Deposit is refunded provided terms are met as outlined in Schedule “A” to this by-law	\$500.00
3.	“Application to “Amend” original Application to Install or Construct an Entrance Permit	\$ 50.00