

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 032/2020

Being a by-law to regulate the installation, construction, alteration or change in the use of any private entranceway that permits access to a Township road allowance.

WHEREAS Section 207 (17), of the Municipal Act, S.O. 2001, c. 25, and amendments thereto, provides that the Councils of all municipalities may pass by-laws permitting and regulating the size and the mode of construction for culverts and bridges that cross any drain or water course situated on a highway, under the jurisdiction of the municipality;

AND WHEREAS it is deemed necessary and in the public interest to regulate the installation of entrance ways over ditches and water courses and ditch improvements upon any highway which forms part of the Puslinch Township Road System and to issue permits for same;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PUSLINCH HEREBY ENACTS AS FOLLOWS:

1.0 TITLE AND SCOPE

- 1.1 This By-Law may be referred to as "The Entrance By-Law".
- 1.2 The headings inserted in this by-law are inserted for convenience only and are not to be used as a means of interpretation.
- 1.3 Schedules attached to this by-law form part of this by-law and have the same force and effect as if the information in them were contain in the body of this by-law.

2.0 APPLIED MEANING OF WORDS AND TERMS

- 2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

3.0 DEFINITIONS

In this By-law:

- 3.1 "**Apron**" means the transition between a private driveway and a public road.
- 3.2 "**Boulevard**" means that portion of the highway, paved or unpaved between the Township property line and the Curb line but does not include the sidewalk.
- 3.3 "**Bridge**" means a public **bridge** forming part of a highway or on, over or across which a highway passes.
- 3.4 "**Commercial Entrance**" means an entrance opening on to a Township road from a property being used for a commercial use as defined in By-law 023/18 Comprehensive Zoning By-law.
- 3.5 "**County**" means The Corporation of the **County** of Wellington.

- 3.6 **“County Road”** means all common and public highways within the geographical limits of the Township of Puslinch where the **County** of Wellington has jurisdiction.
- 3.7 **“Culvert”** means a structure that allows water to flow under a road, railroad, trail, or similar obstruction from one side to the other.
- 3.8 **“Daylight Triangle”** means area directly adjacent to vehicular **intersection** and may include central median areas of roadways.
- 3.9 **“Driveway”** means an approved area of the private property intended and used for the ingress and egress of vehicles onto a **public road**.
- 3.10 **“Entrance”** means an area of ingress and egress to a privately or publicly owned parcel from a Township of Puslinch road.
- 3.11 **“Entrance Permit”** means a permit issued by the Director of Public Works, Parks, and Facilities or designate of the Township of Puslinch.
- 3.12 **“Field and Woodlot Entrance”** means an **entrance** opening onto a Township road. It may be used for access to farm fields and woodlots.
- 3.13 **“Farm Entrance”** means an **entrance** opening onto a Township road. It may be used for access to barns, out buildings, or farm residences. A farm is defined as a holding of arable land of more than 4 hectares.
- 3.14 **“Industrial Entrance”** means an **entrance** opening on to a Township road from a property being used for an industrial use as defined in By-law 023/18 Comprehensive Zoning By-law.
- 3.15 **“Minimum Sight Distance”** means the distance measured from the centre line of the **entrance** at a height of 1.05 meters above grade, which represents the driver’s eye level, and at an offset of 3.0 meters from the edge of pavement, to a point on the centre of the upstream and downstream lane of the Township road at height of 1.05 meters, which represents the object height.
- 3.16 **“Owner”** means the Person that is the **owner** of the property abutting the Township road that is accessed by an **entrance**.
- 3.17 **“Primary Entrance”** means the main **entrance** opening onto a Township road from each lot of record.
- 3.18 **“Public Entrance”** means an **entrance** opening onto a Township road from a registered subdivision, Plan of Vacant Land Condominiums, un-assumed roads, **public place**, **public road**, or street.
- 3.19 **“Public Place”** means any place to which the public have access as of right or by invitation, express or implied.
- 3.20 **“Public Road”** means all common and public highways, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof.
- 3.21 **“Residential Entrance”** means an **entrance** opening onto a Township road from a residence.
- 3.22 **“Secondary Entrance”** means all **entrances** other than the **primary entrance** opening onto a Township road.

- 3.23 **“Temporary Entrance”** means an **entrance** opening in to a Township road that provides access to property for a limited period, not to exceed 6 months, for the purpose of construction, repairs or improvements to that property or to facilitate a stages development.
- 3.24 **“Traffic Channelization”** means the use of secondary roads during road construction.

4.0 GENERAL CONSIDERATIONS

- 4.1 Entrance permits are required for:
- i. Construction of an unpaved **entrance**
 - ii. Construction of curbs, gutters or other permanent works related to an **entrance**
 - iii. Construction of a paved **entrance**
 - iv. Paving an existing **entrance**
 - v. Add curbs, gutters or other permanent works to an existing **entrance**
 - vi. Change the design of an existing **entrance**
 - vii. Change the location of an existing **entrance**
 - viii. Use an existing **entrance** for other than its original, present, or normal use (change of classification from residential to commercial, etc.)
- 4.2 Entrance Permit Application
- i. The **Entrance Permit** Application is available at the Township Office and online at www.puslinch.ca
 - ii. All applications are to be submitted to the Administration Department with the applicable fee in accordance with the User Fee and Charges By-law.
 - iii. A sketch of the proposed location of the **entrance** must accompany every application.
 - iv. Prior to scheduling the first inspection, the applicant shall stake out or suitably mark the location of the proposed **entrance** for inspection by the Director of Public Works, Parks, and Facilities or designate.
 - v. Upon approval, the **entrance permit** including **entrance** specifications will be forwarded to the applicant.
 - vi. **Entrance** permits will expire 1 year following the date of issue if the construction is not completed.
 - vii. The applicant or their contractor shall notify the Township Administration Department at least 2 business days prior to commencement of construction of the **entrance**.
 - viii. The applicant or their contractor shall schedule a final inspection of the **entrance** once construction is complete.
 - ix. It is the responsibility of the applicant to ensure that the construction of the **entrance** is in accordance with the requirements of all applicable regulatory agencies having jurisdiction.
- 4.3 Existing Entrance Permit Applications
- i. **Entrance** permits that were issued by the Township of Puslinch prior to the passage of this by-law shall expire within 1 year of the date of passing of this by-law if the construction is not completed.
- 4.4 New Entrances

- ii. One **Primary Entrance** will be permitted for each lot of record in accordance with the Entrance By-law.
- iii. **Secondary Entrances** may be issued at the discretion of the Director of Public Works, Parks and Facilities or designate in accordance with the following:
 - a. **Farm Entrances** shall be approved for lots where the lot meets the minimum requirements as defined by the Entrance By-law; and where the minimum construction standards can be met for a farm entrance in accordance with Section 4.5.
 - b. **Field and Woodlot Entrance** shall be approved for lots where the lot meets the minimum requirements as defined by the Entrance By-law; and where the minimum construction standards can be met for a farm entrance in accordance with Section 4.5.
 - c. Non-residential **entrances** shall be approved in accordance with the Entrance By-law and may be subject to the Site Plan Control By-law 2019-029 as part of a development agreement.
 - d. **Secondary residential entrances** are not permitted.
- iv. **Temporary Entrances** may be issued for a limited period, not to exceed 6 months, for the purpose of construction, repairs or improvements to that property or to facilitate a stages development. **Temporary Entrance Permits** will be clearly marked as “temporary” and will specify the date of expiry. In the event that an applicant requires an extension to the expiry date of a **Temporary Entrance permit**, the applicant may apply in writing requesting an extension, provided this application is made at least 15 days prior to the current expiry date. Upon the expiry of a **Temporary Entrance Permit**, the applicant will be required to remove the **Entrance** and to restore the **Boulevard** to its original condition.

4.5 Construction of Entrances

The **entrance** shall be constructed in accordance with the following:

- i. The **culvert**, if required, is set to the approved ditch grade.
- ii. Granular backfill shall be placed around the **culvert** with a minimum of 30 centimeters of cover over the pipe being applied and used to shape the entranceway.
- iii. Granular ‘A’ type gravel shall be used to top driveway.
- iv. The **culvert** size and entranceway width are as specified in the permit in accordance with the type of entrance being installed and the provision set out in Section 4.5.
- v. The roadside is left in a neat and tidy condition. Slopes must be neatly trimmed with topsoil and not steeper than 2:1. **Culvert** ends must be clean.
- vi. Only new High-density Polyethylene (HDPE) boss 2000 culvert pipe will be accepted.

- vii. A **residential entrance** shall be a minimum width of 4.5 metres at the driveway and a minimum width of 9 metres at the apron; urban **residential entrance** may be approved for a reduced driveway and apron width by the Director of Public Works, Parks and Facilities or designate.
- viii. A **farm entrance** shall be a minimum width of 7 metres at the driveway and a minimum width of 18 metres at the apron.
- ix. A **field and woodlot entrance** shall be a minimum width of 7 metres at the driveway and a minimum width of 18 metres at the apron.

4.6 Entrance at approach to a Bridge

An **entrance** adjacent to a **bridge** or other structure, which may interfere with the clear vision of traffic using the **entrance**, must be located as follows:

- i. A **commercial entrance** in an area where the speed limit is 80 km per hour must be located at least 45 metres from the end of the deck of the **bridge** or from the nearest part of the structure, which interferes with the clear vision of traffic using that **entrance**
- ii. A **residential, farm or field and woodlot entrance** in an area where the speed limit is 80 km per hour must be located at least 9 metres from the end of the deck of the **bridge** or from the nearest part of the structure, which interferes with the clear vision of traffic using that **entrance**.
- iii. In areas where the speed limit is less than 80 km per hour, the Township may restrict the location of an **entrance** to that distance from the **bridge** or other structure, which it deems advisable.

4.7 Restrictions

- i. A permit is required for each **entrance** onto a Township road that is constructed by parties other than the Township.
- ii. The design and construction of a **public entrance** to a Township road from a registered plan of subdivision is subject to the approval of the Township.
- iii. The **owner** of the subdivision planning to construct a **public entrance** from a subdivision to a Township road must obtain a permit from the Township before work commences within the limits of the Township road allowance.
- iv. Residential or commercial access to a Township road from properties bordering a **traffic channelization** is prohibited.
- v. All **entrances** shall be constructed in accordance with the standards of the Township.
- vi. A permit will not be issued for any **entrance** that would open upon or cross a **daylight triangle**.

- vii. An **entrance** is prohibited in any location where the clear vision is less than 150 metres in each direction from which traffic may approach on a Township road or at the discretion of the Township.

5.0 POWER OF THE TOWNSHIP TO REPAIR OR DEMOLISH

- 5.1 Where the Township has issued notice for the **entrance** to be repaired, altered or demolished to comply with Township standards, or where the installation of the **entrance** has caused damage to the Township road allowance, the Township has priority lien status in accordance with section 1 of the *Municipal Act, 2001*, as amended, on the property for the amount spent on the repair or alteration and the amount may be added to the tax roll by the Treasurer of the Township and may be collected in the same manner as taxes on the property.

6.0 VALIDITY

- 6.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17 DAY OF JUNE, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk