

The Municipality of Gordon/Barrie Island

BY-LAW NO. 2012-04

BEING A BY-LAW TO PERMIT AND REGULATE THE SIZE AND MODE OF CONSTRUCTION OF CULVERTS, BRIDGES AND ENTRANCE WAYS WHICH CROSS ANY DRAIN OR WATERCOURSE IN A PUBLIC HIGHWAY UNDER THE JURISDICTION OF THE MUNICIPALITY OR WHICH ABUT A PUBLIC HIGHWAY UNDER THE JURIDICION OF THE MUNICIPALITY.

WHEREAS the Council of the Municipality of Gordon/Barrie Island is authorized by Sections C.25, S.462 and C.25, S.22 (3) of the Municipal Act, R.S.O., 2001 as amended to adopt a by-law for this purpose;

AND WHEREAS it is desirable and expedient that the Municipality of Gordon/Barrie Island regulate the entrance ways and placement of culverts on public highways under Council's control;

NOW THEREFORE the Council of the Municipality of Gordon/Barrie Island ENACTS AS FOLLOWS:

1. THAT an entrance way for the purposes of this by-law is any driveway, lane way, private road, entrance or other structure or facility constructed or used as a means of access to a Municipal road and includes the tiling and covering of a road side ditch for the purposes of improving a lawn or other frontage.
2. THAT the "Corporation" means the Corporation of the Municipality of Gordon/Barrie Island.
3. THAT no entrance, culvert or bridge over any ditch or watercourse or adjacent to any Township road may be constructed without a permit being issued by the Public Works superintendent of the Corporation.
And that said, the entrance will be installed by the Municipality at the land owners cost.

4. THAT no permit may be issued by the Public Works Superintendent until an application has been received and approved and the permit fee is paid to the Municipal office.

PERMIT FEE: \$600.00 if culvert is required as per the Public Works Superintendent.
\$300.00 if no culvert is required as per the Public Works Superintendent.

5. THAT the diameter, gauge, length and type of culvert used and the location of the entrance way shall be approved by the Public Works Superintendent, but in no case shall the culvert be less than 400 mm (15") in diameter and 8.0 metres (28') in length and shall be of new steel or poly material. The location of the entrance must be approved by the Superintendent to ensure maximum safety, free flow of traffic and to minimize the possibility of interference with the road or creation of a maintenance problem.
6. There shall be a maximum of six months from the date of the issue of the permit for the completion of construction. A permit may be issued for a temporary entrance for a maximum of six months which also requires the payment of the permit fee. Failure to remove the temporary entrance way within the approved period will result in forfeiture of the permit fee to the Corporation.
7. THAT an entrance permit is a pre-requisite to the issuance of a Building Permit by the Corporation's Chief Building Official.
8. The Corporation shall, after the final inspection and approval by the Public Works Superintendent, maintain and replace from time to time as required, all culverts and structures installed under this by-law. The maintenance of the driving surface of all entrance ways shall be the responsibility of the applicant or land owner to whom the entrance way gives access. The Council of the Corporation reserves the right to make policy decisions on the timing and scope of replacement of culverts as dictated by financial constraints in place within the Corporation from time to time.
9. No person shall apply any asphalt or other hard surface to that portion of an entrance way on the road allowance except under written authorization from the Public Works Superintendent. No concrete surfaces are permitted on that portion of the entrance way that is over any part of the road allowance of the Corporation.
10. Second and subsequent entrance ways shall only be permitted by written authorization of the Public Works Superintendent and shall be expressly at the expense of the land owner. Such land owner will be required to file a statement

with the Corporation acknowledging that the undertaking and all future maintenance is at his expense and shall be done under the direction of the Public Works Superintendent.

11. THAT every person who contravenes the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as determined under the Provincial Offences Act.
12. THAT where any other by-law is inconsistent or conflicts with this by-law in matters contained herein, this by-law shall take precedence. All other by-laws pertaining to this matter are hereby rescinded.
13. THAT this by-law shall come into force and take effect upon the third and final reading hereof.

READ A FIRST, SECOND AND THIRD TIME ENACTED PASSED IN OPEN COUNCIL

The 6th day of March, 2012

REEVE

CLERK