

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2013-30

**"A BY-LAW TO REGULATE THE USE OF AND WORK PERFORMED ON
PUBLIC HIGHWAYS, THE INSTALLATION OF ENTRANCEWAYS AND TO
PROHIBIT THE OBSTRUCTION OF ANY DRAIN, DITCH OR WATERCOURSE
WITHIN OR PROVIDING OUTLET TO ANY PUBLIC HIGHWAY"**

Whereas Section 44 of the *Municipal Act 2001*, SO 2001, c. 25 requires that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

And Whereas it is deemed expedient to regulate the use of highways under the jurisdiction of the Corporation of the Township of Edwardsburgh/Cardinal, to regulate the installation of entranceways over ditches and over watercourses within or providing outlet to any public highway under the jurisdiction of the Corporation of the Township of Edwardsburgh/Cardinal, and to regulate and prohibit the obstruction of any drain or any watercourse within or providing outlet to any public highway under the jurisdiction of the Corporation of the Township of Edwardsburgh/Cardinal;

Now Therefore the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

DEFINITIONS

1.00 **THAT**, in this by-law:

(1) "Entranceway" shall mean any driveway, lane, private road, entrance or other structure or facility constructed or used as a means of access to a township road, and include the tiling and covering or filling in of a roadside ditch for the purpose of improving a lawn or other frontage.

(2) "Township" shall mean the Corporation of the Township of Edwardsburgh/Cardinal and its appointed representatives designated to act on behalf of the Corporation.

REGULATIONS

2.00 **THAT** no person shall use any portion of any highway under the jurisdiction of the Township, except in accordance with this By-law. Uses not specifically permitted in this by-law may be permitted by Council with the passing of a by-law to permit and regulate that use.

2.01 **THAT** no person shall construct, alter or change the use of an entranceway without obtaining a permit from the Township to do so.

2.02 **THAT** all entranceways shall be constructed and/or completed to the satisfaction of the Township. The diameter, gauge, length, type of culvert, number of catch basins and type of catch basins to be used shall be determined by the Roads Superintendent, but in no case shall the culvert to be less than 300mm (12 in) in diameter and 8m (26 ft) in length.

- 2.03 **THAT** the location of the entrance way must be approved by the Roads Superintendent to ensure maximum safety, free flow of traffic and compliance with municipal by-laws and to minimize the possibility of interference with the road or the creation of a maintenance problem.
- 2.04 **THAT** no person shall apply asphalt or other hard surface to that portion of an entranceway on the road allowance of a township road except by a permit issued by the Roads Superintendent. The work shall be carried out under a contractor approved by the Township and in accordance with Township specifications at the expense of the owner.
- 2.05 **THAT** no person shall obstruct any drain or watercourse either situated on a Township road allowance or providing an outlet for a watercourse on a Township road allowance.
- 2.06 **THAT** where a culvert in excess of 12m (40 ft) in length is required, as determined by the Roads Superintendent, the owner shall be required to pay the entire cost of constructing as many catch basins as may be necessary in the opinion of the Roads Superintendent to facilitate surface drainage from the roadway.

WORKS

- 3.00 **THAT** the construction, repair or replacement of all entrance ways shall be carried out under the direction of the Roads Superintendent; whether performed by Township staff or a private contractor.
- 3.01 **THAT** where an entrance way is being constructed, repaired or replaced by a private contractor:
- (1) the Roads Superintendent shall be permitted to oversee said work, as desired;
 - (2) the Roads Superintendent shall be notified of completion of said work so that an inspection can be carried out.
- 3.02 **THAT** no utility or contractor shall carry out activities that may include but not limited to new installation, repair or replacement of any underground/above ground services that may impact the roadway without first obtaining a road cut permit (Schedule B).
- 3.03 **THAT** a utility, in an emergency situation, does not require a permit to be filed prior to the commencement of any repair work. A permit should be filed at the earliest possible time after the repair is completed.

MAINTENANCE

- 4.00 **THAT** where an existing entranceway is affected by the reconstruction of a Township Road, the Township will reinstate the entranceway at no cost to the property owner. The reinstatement will conform to this policy. **ANY** salvaged materials of construction, shall remain the property of the Township.
- 4.01 **THAT** the maintenance of all entranceways shall be the responsibility of the owner.

4.02 **THAT** the contractor or utility understands that it is responsible for the condition of the road section repaired by the contractor or utility until the Township seals or alters the repair work in anyway, at which time, the Township will assume the maintenance of the repaired section.

FEES AND PENALTIES

5.00 **THAT** a standard entrance permit will not be issued until the owner pays the fee to the Township as outlined in Schedule A of this By-law.

5.01 **THAT** a road cut permit fee as outlined in Schedule A of this By-law is paid prior to issuance of permit.

5.02 **THAT** where such owner, contractor or utility fails to provide or maintain all matters and things required by this bylaw, upon written request by the Township, the owner, contractor or utility shall remedy the default thereof.

5.03 **THAT** where such remedy is not forthcoming as requested by the Township, the Township may, at the cost and expense of the owner, utility or contractor do all such matters and things that are in default, failing which the Township may cause the expense to be added to the tax roll of the property and collected in like manner as taxes.

5.04 **THAT** every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, shall be liable to a fine of up to two thousand dollars.

REPEAL

That Bylaw No. 2001-59, a bylaw to Regulate the Use of Public Highways, the installation of entranceways and to prohibit the obstruction of any drain, ditch or watercourse within or providing outlet to any Public Highway is hereby repealed.

By-law read, signed, sealed and passed this 27th day of May, 2013.



Mayor



Clerk

1100180

Schedule A of By-law 2013-30

Fees and Costs

Minimum Flat Rate	\$100.00
No Culvert Required (as determined by Roads Superintendent)	Minimum Flat rate only
Standard Culvert Entrance (450mm or 18" diameter by 8m or 26 ft length)	\$700.00 + minimum flat rate
Special or Commercial Entrance	All material and labour cost + minimum flat rate
Road Cut Permit Fee	\$75.00

Schedule B of Bylaw 2013-30
Township of Edwardsburgh/Cardinal
Road Cut Permit

Name of Contractor/ Utility Company: _____

Mailing Address of Contractor/Utility Company:

Contact Person Name: _____

Contact Person Phone #: _____ email: _____

Name of Road to be Cut: _____

Location of Cut (nearest intersection/pole # etc...) _____

Cut Depth _____ (m) Width _____ (m) Length _____ (m)

Dates of Work: _____

Restoration of Road Structure Proposed

Compaction Lift Depth: _____ Pavement Thickness: _____

Backfill Material: _____

Note: It is highly recommended that backfill material be compacted at 6-10 inch lifts, and that the pavement being placed is at least the thickness of the existing pavement or three inches thick, whichever is greater. Cold patch is permitted to be used as a temporary pavement material when asphalt plant is shut down for the season, however, the patch must be replaced prior to the summer season after the plant reopens in the Spring.

Approved : _____ Date: _____
Signature, Road Superintendent or Designate

Not Approved: _____ Date: _____
Signature, Road Superintendent or Designate

Reasons for non-approval:

In issuing this permit, the contractor or utility company understands that it is responsible for the condition of the road section repaired by the contractor or utility in perpetuity until the Township seals or alters the repair work in any way, at which time, the Township will assume the maintenance of the repaired section

An administrative fee of \$75.00 is required to be paid to the Township upon issuance of the road cut permit. The fee is waived for any municipal utility or its contractors.

Emergency situations do not require a permit to be filed prior to the commencement of any repair work. A permit should be filed at the earliest possible time after the repair is completed.