

THE CORPORATION OF THE TOWNSHIP OF HILTON

BY-LAW NO. 752

Being a by-law to establish terms and conditions regarding the installation of entrances on township roads within the Township of Hilton.

WHEREAS the Municipal Act, R.S.O. 1990, c.M.45, Section 207(ss. 16 and 17) authorizes a municipality to regulate the obstruction of any drain or watercourse and require the person causing the obstruction to remove it; issue permits and regulate the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under the municipality's jurisdiction;

AND WHEREAS the Municipal Act, R.S.O. 1990, c.M.45, Section 308 [ss. 3 (a)(b)(c)] authorizes a municipality to pass by-laws prescribing the terms and conditions upon which any objects may be placed, constructed, installed, maintained and used in, on, under or over highways under its jurisdiction, and for making an annual or other charge for this privilege; and whereas payment of such charge and expense incurred by the municipal corporation in restoring the highway to its former condition may be enforced in like manner as taxes that are due and payable;

AND WHEREAS the Council of the Corporation of the Township of Hilton deems it desirable to establish terms and conditions to regulate the size and installations of culverts at entrances on Township roads, in the interest of public safety and protection of its municipal roadways;

NOW THEREFORE the Council of the Corporation of the Township of Hilton hereby enacts as follows:

1. For the purpose of this by-law, "entrance way" is any driveway, laneway, private road, entrance, bridge or other structure or facility constructed or used as a means of access to a Township Road and includes the tiling and covering or filling of a roadside ditch for the purpose of improving a lawn or frontage.
2. For the purpose of this by-law, "highway" is any road, street, avenue, parkway, driveway, square, place, bridge, or any other structure incidental thereto, 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.
3. For the purpose of this by-law, "commercial use" includes the sale of any product by an owner from his property that will require the removal of that product by a vehicle bearing a total gross weight of 5 tons or greater. "Sale" pertains to any exchange of funds or other form of compensation. Exemptions to commercial use include registered gravel pits, retail stores or properties zoned Commercial, Industrial or Farmland.
4. No person shall construct an entrance way without first applying for, and obtaining, an authorizing permit from the Hilton Township Municipal Office during normal office hours. The Clerk will identify the subject lot on the most recent assessment map and note any obvious boundary concerns. Ownership of the subject lot will also be confirmed. The owner of the property must sign the permit acknowledging they will be held financially responsible for any damage occurring to the municipal road as a result of any commercial use of their entrance. The completed application will be reviewed by the Road Superintendent and an on-site inspection performed, and the required funds received, before the permit is granted.
5. Once a permit has been issued, work on an installation or development for which the permit is granted must be started within six months of the permit date or the permit shall be voided and cancelled by the Township.

6. Entrance permits will be categorized and defined accordingly:
 - a) Permanent Residential – designated by a 911 emergency number. Entrance to be used for access to a personal residence, and although permitted, generally, not intended for the commercial export of any product. Fee: \$100.00
 - b) Permanent Utility - Entrance to be used for the personal use of the owner, and although permitted, generally, not intended for the commercial export of any product. Fee: \$100.00
 - c) Permanent Utility (Commercial Use) - Entrance to be used for commercial export of product. Fee: \$100.00
 - d) Temporary Access - Entrance to be used for either personal or commercial use for a temporary period not exceeding one year. Fee - \$200.00 Additional conditions applying to Temporary Access permits are listed on the attached Schedule A.

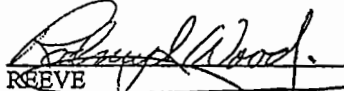
A maximum of two permanent entrance permits will be allowed per lot and can include one residential entrance and one utility entrance or two utility entrances if no residence exists on the property. Any second permanent entrance can be denied if it is deemed unnecessary. The number of temporary entrances permitted will be determined by the Road Superintendent according to the site conditions.

7. The size, quality and type of drainage structure to be placed shall be determined by the Road Superintendent. Pipe culverts shall be of new material, minimum diameter and minimum length, to be determined by the Road Superintendent.
8. In order for approval to be granted by the Road Superintendent, the location of the entrance way must ensure maximum safety, free flow of traffic and minimize the possibility of interference with the road and avoid the creation or aggravation of any maintenance problem.
9. The construction of all entrance ways, structures or facilities for access to a Township Road shall be carried out to Township requirements (see attached Diagram 1).
10. Where a culvert in excess of 50 feet (15 M.) in length is required, the owner shall be required to construct as many catch basins, inlet and outlet structures as may be necessary in the opinion of the Road Superintendent to facilitate drainage from or alongside the road. Any costs associated with this work shall be the responsibility of the owner/agent of the property.
11. The owner is responsible for the construction, marking and maintenance of the detours required and for maintaining safety measures for the protection of the public during the construction of any work in respect to an entrance. Such safety measures shall include the provision of traffic control and warning signs in accordance with ministry standards (outlined in Manual of Uniform Traffic Control Devices for Roadway Work Operations).
12. The owner shall maintain and replace, from time to time as deemed necessary by the Road Superintendent, all culverts installed under the provisions of this by-law, except in the event of the municipality changing the grade of the roadway, when the township shall be responsible for the replacement of culverts. The maintenance of the driving surfaces of all entrance ways shall be the responsibility of the owner.
13. If the owner neglects or refuses to comply with any of the provisions of this by-law, the Township of Hilton may remove the facility and install a proper entrance way and any expenses incurred in so doing may be recovered from the owner by appropriate action.
14. If an expiry date is specified on the permit and a further term is desired, an application for renewal may be made to the Township prior to the expiry date being realized. A further term may be approved or refused by the Township. An administration fee of \$50.00 will be charged.
15. If the permit expires and is not renewed for any reason, all work constructed, maintained or operated under this permit, if the township so requests, will be removed without expense to the township and the highway shall be left in as good a condition as it was before the said works were installed.

16. The owner/agent must provide the township with the name and telephone number of the person in charge of the construction site and a second name and telephone number as a back-up.
17. Should mud or debris or ditch problems on the highway reach an unacceptable state, the person in charge of the site will be requested to clean it up immediately. If the owner/agent fails to respond to a clean up request within a two day period of time, the township may do the work and invoice the owner. Under special circumstances, (eg. wet weather) or in an emergency, where timing is of the essence, the township may clean up the highway with no advance notice and invoice the owners, accordingly.
18. Any person violating this by-law is guilty of an offence under the Provincial Offences Act and shall be subject to a penalty, exclusive of costs of \$1,000.
19. Schedule A and Diagram 1 attached hereto form part of this by-law.
20. This by-law hereby rescinds By-Law No. 547.
21. This by-law shall come into force and effect upon third and final reading of Council.

Read a first and second time this 10th day of July, 2002.

Read a third and final time and passed this 10th day of July, 2002.


REEVE


CLERK

THE CORPORATION OF THE TOWNSHIP OF HILTON

Schedule "A" to BY-LAW NO. 752

Temporary Access Entrance Permit Conditions

Temporary access permits are subject to all municipal legislation, regulations and by-laws, in addition to the following supplementary conditions.

1. Temporary access permits are given for a specified short period. The duration of the permit should be determined by the township based on the project but should not exceed one year. If an extension is required, the owner must apply for a new permit prior to the expiration of the existing permit. An administration fee of \$50.00 will be charged.
2. The application for a temporary access permit must clearly specify the expiry date; the extent and nature of the work to be done on the property; the owner's/agent's responsibility to clean up mud or debris and fix ditches on the highway in a timely fashion.
3. Upon expiration of the permit, the temporary entrance must be removed and the highway right-of-way restored to the satisfaction of the township. All costs involved are the responsibility of the owner.
4. Temporary entrances will be monitored by the Municipal Law Enforcement Officer to ensure their timely removal.
5. Temporary permits for ministry contractors are not required if the entrance is located within the construction limits. If the entrance is outside the construction limits a permit is required.

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Diagram "1" to BY-LAW NO. 752

Township of Hilton requirements for the construction of all entrance ways, structures or facilities for access to a Township Road:

