

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW NO. 99-176

A By-law to regulate the construction, alteration or change in the use of any private road, entranceway, or other facility that permits access to a Municipal road.

WHEREAS the Municipal Act R.S.O. 1990, c.M45, authorizes Municipal Council to pass a By-law to regulate the construction, alteration or change in use of any private road, entranceway, or other facility that permits access to a Municipal road.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:

1. That Schedule 1 and Schedule 2 attached hereto and forming part of this By-law shall be adopted by the Council of the Corporation of the Town of Midland to regulate the construction, alteration or change in use of any private road, entranceway, or other facility that permits access to a Municipal road;
2. That this By-law shall come into full force and effect immediately upon final passage thereof.

By-law read a first, second and third time and finally passed at a meeting of the Open Council held this thirteenth day of December, 1999.



Mayor



Clerk

1.0 CLASSIFICATION OF ENTRANCES**1.1 Commercial:**

- a) A motoring-service entrance is an entrance opening onto a Municipal Road from a commercial undertaking established to provide the motoring public with fuel, food, minor repairs or overnight accommodation.
- b) A business, industrial, institutional or major recreational entrance is an entrance opening onto a Municipal Road from a Shopping Centre, Industrial Development, Schools, Churches, Golf Course and Sport Facilities, Restaurants, Hotel/Motels or similar development.

1.2 Residential Entrance:

- a) A residential entrance is an entrance opening onto a Municipal Road from a private residence or from a multi-family dwelling containing not more than five separate self-contained dwelling units.
- b) A multi-unit residential entrance is an entrance opening onto a Municipal Road from a multi-family dwelling containing more than five separate, self-contained dwelling units and shall include apartment buildings, condominiums and all other forms of multi-family ownership.

1.3 Farm Entrance:

A farm entrance is an entrance opening onto a Municipal Road from a farm and is to be used for access to barns, out-buildings and/or a farm residence.

1.4 Field Entrance:

A field entrance is an entrance opening onto a Municipal Road from a field forming a part of a farm. It shall be used only for the passage of animals, farm equipment and for other agricultural purposes, but not for access to buildings of any type. A maximum of one entrance per field fronting the Municipal Road may be granted.

1.5 Intersection:

For the purposes of this policy, an intersection is an intersection of two Municipal Roads, a Municipal Road and a County Road or a Municipal Road and a Provincial Road.

2.0 ENTRANCE RESTRICTIONS

2.1 Subdivision Agreement and Site Plan Agreements and Building Permits

The granting of an entrance permit is deemed to be included in the above agreements or permit and therefore such properties are exempt from this by-law.

2.2 Existing Entrances:

- (i) Legal existing entrances, as of the date of this by-law, will be allowed to remain.
- (ii) Conversion of an existing entrance to a mutual entrance to serve separate lots, or two or more main buildings on one lot may be considered, provided:
 - The main buildings qualify for the same entrance standard (e.g. residential or commercial),
 - It shall not adversely affect the traffic safety on the Municipal Road.

2.3 New Entrances:

- (i) New Entrances are permitted subject to Section 2.3:
 - a) for existing lots where no access has been previously established;
 - b) where a new entrance replacing an existing entrance would establish superior entrance standards and specifications.
- (ii) New entrances will be granted at appropriate locations:
 - For commercial and multi-residential entrances and intersections, engineering drawings (plan and profile) of the entrance, including relating drainage and grading affecting the existing drainage system, shall be submitted to the Town Engineer as part of the application for an entrance permit;
 - Vehicular movements at entrances may be restricted or controlled based on the results of a traffic impact study to ensure the safe and efficient movement of through traffic.

2.4 Entrance Spacing Visibility Requirements:

- (i) In the interest of public safety, the Municipality may restrict the placement of an access to a particular location along the applicant's frontage. An access must be located to provide:
 - Approved sight distance and safe grade and alignment conditions for all traffic using the proposed access and the roadway;
 - No undue interference with the safe movement of through traffic on the Municipal Road.

- (ii) In general, entrances will not be permitted:
- Along a lane which is identified for the purpose of an exclusive vehicular turning movement (e.g. channelization, acceleration or deceleration);
 - Within 10.0 metres of an intersection as measured from the centre line of the entrance to the property line abutting an intersection road;
 - Within the sight triangle at an intersection, or
 - Where minimum sight distance requirements, as shown in Table 1, are not met.
- (iii) Notwithstanding 2.3 (ii), for businesses providing fuel and minor vehicle repair services, entrances may be permitted:
- Not less than 6.0 metres from the end of corner radii at an intersection;
 - Not within the sight triangle;
 - Not closer than 10.0 metres from the property line of the adjacent roadway.
- (iv) All new commercial, multi-unit residential and public road entrances must meet all of the minimum requirements listed below:
- Minimum sight distance per Table 1;
 - Horizontal curve is 300 metres radius, (6 degrees) or less;
 - Maximum grade is 6% or less.
- (v) All other entrance classifications must meet the minimum sight distance as per Table 1.

Sight distance shall be measured from the centre line of the entrance at a height of 1.05 metres above grade, which represents the driver's eye level, and at an offset of 3.0 metres from the edge of pavement, to a point on the centre of the upstream and downstream lane of the road at a height of 1.05 metres, which represents the object height.

TABLE 1

Speed Limit km/h	Minimum Sight Distance Metres
50	135
60	170
70	200
80	230

The Minimum stopping sight distance in Table 1 shall be adjusted in accordance with Table 2 to compensate for the effect of grade:

TABLE 2

Posted Speed	Upgrade Decrease in Sight Distance in metres			Downgrade Increase in Sight Distance in metres		
	3%	6%	9%	3%	6%	9%
50	5	5	10	-	5	10
60	5	5	10	5	10	15
70	5	10	15	5	10	20
80	10	15	20	10	15	30

2.5 Standards and Specifications:

2.5.1 Standards:

- (i) The minimum width of commercial and multi-unit residential entrances shall be 7.0 m. All other entrances shall have a minimum width of 4.0 m. Total width of entrance(s) shall not exceed 50% of the road frontage.
- (ii) All entrances shall be constructed with a 50 mm depth of asphaltic pavement apron on suitable granular base, extending a minimum length of 2 metres from the edge of the paved roadway.
- (iii) The minimum size of entrance culvert, where required, shall be 400 mm. A greater size, as determined by the Town Engineer, may be required to provide for the drainage flow. The length of culvert is dependent on the depth of the ditch and will be determined at time of site inspection.
- (iv) Only new galvanized corrugated steel pipe culvert complying with ASTM A760M specification shall be used.
- (v) The use of water tanks, barrels, concrete blocks or used corrugated steel pipe in place of standard material is prohibited.
- (vi) No person shall construct an entrance, or extend an existing entrance, until a permit is issued by the Town Engineer.

2.5.2 Specifications:

- (i) Each entrance to a Municipal Road must be designed, constructed and maintained in a manner that will prevent surface water from the entrance or from the adjoining property being discharged over the entrance onto the travelled portion of the Municipal Road;
- (ii) The owner/contractor must notify the Town Engineer at least 48 hours prior to commencement of construction of the entrance;

- (iii) Each entrance, including the installation of a culvert or other works pertaining to that entrance, within the limits of the road allowance of a Municipal road, must be constructed by the Applicant. The cost of constructing the entrance is to be borne by the Applicant;
- (iv) All entrance culverts shall be constructed to the proper grade so as to provide for the free and unimpeded flow of water through the culvert;
- (v) No person shall apply an asphalt or concrete surface to that portion of an entrance on the road allowance of a Municipal Road until a permit is issued by the Town Engineer. The work shall be carried out in accordance with Municipal specifications and at the expense of the owner;
- (vi) Prior to an entrance being changed or altered from its original use, for example, residential to commercial – approval must be received from the Municipal Engineer and the installation shall comply with the specifications as set out in the policy;
- (vii) No existing entrance shall be relocated or altered in any physical way and the use of said entrance shall not deviate from the approved use without the owner first obtaining approval of the Town Engineer;
- (viii) Headwalls, if approved, may not be higher than the level of the road shoulder, at the rounding.

3.0 ENTRANCE PERMIT AND INSTALLATION

(i) Application for Entrance:

- A permit is required for an entrance onto a Municipal road that is constructed by parties other than the Municipality. “Entrance Applications” are available at the Municipal Offices, 575 Dominion Avenue, Midland, Ontario, L4R 1R2. Applications are to be completed by the Applicant and delivered or mailed to the office of the Town Engineer along with the appropriate application fee. The Applicant must stake or suitably mark the location of the proposed entrance.
- The Applicant is responsible to ensure that any application for an entrance is in accordance with approved municipal by-laws.

(ii) Entrance Permits:

- The approved entrance permit will be forwarded to the Applicant.
- The permit is valid for a period of six months from the date of issue.
- An extension of one year from date of issue may be granted upon written request.

(iii) Temporary Permits:

- Permits may be issued for the construction of a temporary entrance for a specified period of time.
- Should the Applicant desire to extend the expiry date of a temporary entrance permit, the Applicant is required to re-apply in writing.
- The applicant will be required to remove the entrance and restore the boulevard to its original condition upon expiry of the permit.
- The cost of installing and removing the entrance and/or restoring the right-of-way to its original condition to the satisfaction of the Town Engineer will be assessed against the applicant.

(iv) Appeal Process:

Where the applicant wishes to appeal the decision of the Town Engineer or designate as to the issuance of a permit or any conditions pertaining thereto, the Applicant's appeal will be reviewed by the Council of the Municipality through the appropriate Committee. A report to Council will be prepared.

(v) Costs:

All costs associated with an entrance permit shall be the responsibility of the Applicant. These costs may include any and all costs for the construction and alteration of an entrance such as labour and materials for the entrance itself, alteration to the roadway, utilities, traffic control devices, layout, surveying, legal costs, removal of non-conforming works, etc.

(vi) Inspection:

A field inspection will be carried out by the Municipal staff upon completion of the works. The Municipality reserves the right to have any modifications performed, if the installation does not conform to the entrance permit, at the Applicant's cost.

(vii) Maintenance:

Upon approval of a culvert installation, the culvert shall become the property of the Municipality and all subsequent maintenance and repairs shall be the responsibility of the Municipality.

The owner of a property served by an entrance shall be responsible for maintaining the surface of each entrance for a distance extending from the property line to the travelled portion/surface of the Municipal Road.

4.0 NON-COMPLIANCE WITH BY-LAW

An entrance constructed without approval or used contrary to the conditions under which it was approved shall be removed by the Owner of the lands at the request of the Municipality. Failure to do so will result in the Municipality removing the entrance, at the expense of the owner. Any entrance not constructed in accordance with required standards, or not complete, may be removed, repaired or completed by the Municipality, at the expense of the owner. Costs may be recovered in like manner as to taxes.

FEE SCHEDULE FOR PROPERTY ENTRANCE APPLICATIONS

All entrance classifications:

\$20.00/per application