

Corporation of the Municipality of Temagami

By-law 23-1713

**Being a By-law to Regulate the Location, Construction and Use of Entrances onto
Municipal Roads Within the Municipality of Temagami**

WHEREAS the Municipal Act, S.O. 2001, c.25, S.8(1) states; The powers of a Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the Municipality to enable the Municipality to govern its affairs it considers appropriate and to enhance the Municipality's ability to respond to Municipal issues;

WHEREAS the Municipal Act, S.O. 2001, c.25, S.11(3)(4), ss. (6) states, A lower tier Municipality and an upper tier Municipality may pass By-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction: (6) Drainage and flood control, except storm sewers.

WHEREAS Section 27(1) of the Municipal Act, S.O. 2001, c.25 states, Except otherwise provided in this Act, a Municipality may pass By-laws in respect of a highway only if it has jurisdiction over the highway.

WHEREAS Section 96 of the Municipal Act, S.O. 2001, c.25 states, Despite section 19, a Municipality may, for the purpose of preventing damage to property in the Municipality as a result of flooding, exercise its powers under subsection 10(1) or 11(1), paragraph 7 of subsection 11(2) or paragraph 6 of subsection 11(3) in relation to flood control in the Municipality, in another Municipality or in unorganized territory.

WHEREAS it is deemed expedient to provide for the regulation of the size and mode of construction of culverts that cross any drain or watercourse situated on a highway;

AND WHEREAS the Council for the Corporation of the Municipality of Temagami deems it expedient to regulate the location, construction and use of entrances on Municipal Roads;

NOW THEREFORE LET IT BE RESOLVED THAT the Council for the Corporation of the Municipality of Temagami hereby enacts as follows:

- 1) "entrance"** for the purpose of this by-law is any driveway, laneway, private road, entrance or other structure or facility constructed or used as

a means of access from private property to a Municipal Road under the jurisdiction of the Municipality of Temagami and includes the tilling and covering or filling in or a roadside ditch for the purpose of improving a lawn or other frontage. For the purpose of this by-law, the definition of an entrance for logging, agricultural and/or aggregate purposes and is one that is used occasionally, on an annual basis, exclusively for logging, agriculture or aggregate extraction.

- 2) **“Municipal Road”** for the purpose of this by-law shall mean a common and public highway or road in the Municipality of Temagami that is maintained by the Municipality of Temagami.
- 3) **That** no person shall construct, alter, or use any private road, entrance way structure, or facility, as a means of access on to a Municipal Road without first obtaining an entrance permit from the Municipality of Temagami, which application form is attached hereto as Schedule “A” to this by-law.
- 4) **That** the construction of every entrance shall be carried out under the direction or supervision of the Public Works Superintendent, or designate.
- 5) **That** notwithstanding the provisions of Section 1 of this by-law, all existing entrances and laneways that have been established for agricultural, logging or aggregate purposes, cannot be converted to residential or commercial use unless the applicant first complies with all Sections of this by-law and in particular with Section 3 of this by-law
- 6) **That** every entrance shall require a new CSA approved culvert, minimum four hundred (400) millimeters (15.75 inches) in width by nine (9) meters (29.5 feet) in length or one of sufficient size to accommodate the flow of water, unless it is determined by the Public Works Superintendent, or designate, that a culvert is not required.
- 7) **That** the location of the entrance shall first be approved by the Public Works Superintendent, or designate, to ensure maximum safety, visibility, and to minimize the possibility of interference with trees along the road or the creation of a maintenance problem. The minimum sight distance shall be satisfied in both directions.
- 8) **That** sightlines for every entrance shall be based on a measurement of one point four (1.4) meters (4.59 feet) (vertical) from the ground or at the discretion of the Public Works Superintendent, or designate. The following horizontal sightline distances shall be by road classification:

Non Residential	-	Distance	Residential	Distance	Commercial	Distance
-----------------	---	----------	-------------	----------	------------	----------

Class 6	60.96 m (200 feet)	Class 6	68.58 m (225 feet)	N/A	76.2 m (250 feet)
---------	-----------------------	---------	-----------------------	-----	----------------------

- 9) That** every applicant shall obtain an entrance permit; the administration fee being \$400.00 plus a deposit of \$100.00 for a total fee of \$500.00. Said entrance permit fee shall be paid for at the Municipal Office prior to the issuance of the permit. The entrance permit fee is non-refundable, subject to the discretion of the Public Works Superintendent. If the entrance is not completed within one year of the date of the application, the permit shall be revoked and the roadway restored at the expense of the applicant. Upon completion of the entrance and upon final approval of the Public Works Superintendent, or designate, the applicant may request, in writing a refund of the sum of \$100.00.
- 10) That** every person that applies for a new entrance shall also apply for an Emergency Response (9-1-1) number at the cost of \$100.00 plus \$13.00 HST for a total of \$113.00. This fee is non-refundable.
- 11) That** the responsibility and the cost of constructing every entrance shall be borne by the owner(s)/applicant(s).
- 12) That** no concrete structures are permitted on the road allowance as part of any entrance. The Public Works Department and/or the Municipality of Temagami shall not be responsible for replacing any structures connected with the entrance or culvert.
- 13) That** the maintenance of the driving surface of every entrance shall be the responsibility of the owner(s), (potholes, culverts, gravel, etc.) and maintaining negative cross-fall to the centre of the culvert line to a minimum of two (2%) per cent.
- 14) That** where a Municipal road intersects with another highway and the Municipal Road is not the through road, no entrance will be permitted at a distance of less than thirty (30) meters (98.42 feet) from the through highway and must comply with regulations as set out by the authority having jurisdiction over the other highway.
- 15) That** each assessed parcel abutting a Municipal Road shall be entitled to one (1) entrance permit only per parcel. A second entrance onto a Municipal Road shall not be permitted unless it is an auxiliary/field entrance used solely for agricultural subject to the discretion of the Public Works Superintendent or designate.
- 16) That** notwithstanding Section 15 hereof, any Commercial or Industrial Zone may have a maximum of two (2) entrances per parcel with the

minimum spacing of thirty (30) meters between entrances subject to the discretion of the Public Works Superintendent or designate.

- 17) That** no new entrance permits shall be given to existing lots of record which currently have an approved access whether shared or otherwise onto a Municipal road without the express approval of the Public Works Superintendent.
- 18) That** any person who contravenes the provisions of this by-law is guilty of an offence and on summary conviction is liable to a fine of not less than \$250.00 and not more than \$500.00, exclusive of costs, and the Municipality of Temagami may remove the entrance at the expense of the owner(s).
- 19) That** nothing in this by-law shall prevent the use of any entrance that was legally in existence prior to the passage of this by-law, providing the use has continued for that purpose.
- 20) That** this By-law shall come into force and effect on the date of Third and Final reading.

Read a First and Second Time this 14th Day of December, 2023.

Read a Third and Final Time This 14th Day of December, 2023.

Mayor

Clerk

Corporation of the Municipality of Temagami

Schedule "A" to By-law 23-1713

Entrance Permit Application

Date: _____

Permit No. _____ Roll No. _____

Owner/Applicant Name: _____

Address: _____

Phone No. _____ Email: _____

To construct an _____ entrance, (residential, temporary, alteration, commercial, public, emergency)

Lot: _____ Concession: _____ Township: _____

Street No. _____ Street _____ Town _____

Severance applied for? yes no Severance No. _____

Signature of Owner/Applicant: _____

Classification of Entrance	Permit Fee	Refundable Deposit	Total
Residential, Temporary, Alteration	\$400.00	\$100.00	\$500.00
Commercial, Industrial	\$400.00	\$100.00	\$500.00

*Refund upon approval of the entrance installation, less amount by the Municipality to bring entrance to Municipal standards.

APPLICANT TO SUBMIT REQUEST FOR FINAL INSPECTION AND REFUND IN WRITING.

Where the entrance has not been constructed and accepted by the Municipality within one year of the date of the permit, then the permit shall be cancelled and the refundable deposit shall be forfeited. Contact the Municipality of Temagami prior to permit submission for refundable deposit requirements for Commercial and industrial entrances.

Requirements for Entrance – Office Use Only

Top Width: _____ Surface Type: _____ Length of Pipe: _____

Diameter of Pipe: _____ Thickness of Pipe: _____

Application Fee Paid: yes no **Deposit Paid:** yes no

Special Condition: _____

Date of Issue: _____ Signature _____

Refund of \$100.00 granted _____ Date of Inspection: _____

Please enclose a sketch showing the location and size of your property; also show your proposed location for your entrance. Please mark the location of the entrance with a ***PROPOSED ENTRANCE*** sign or entrance will not be approved.

