

The Township of Cavan Monaghan

By-law No. 2017-80

Being a by-law to set regulations and fees for the issuance of Entrance Permits and the installation of culverts

Whereas it is deemed expedient to establish regulations and fees for the issuance of entrance permits and the installation of culverts;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

Part 1 – Number of Entrances

Every lot shall be limited to the following number of driveways:

In Rural Areas

- i. Up to the first 30 metres of frontage: Not more than two (2) driveways with a combined width not exceeding 30% of the lot frontage;
- ii. For each additional 30 metres of frontage: Not more than one additional driveway;
- iii. Notwithstanding anything in this By-law to the contrary, the maximum number of driveways permitted to have entrance onto any County Road shall be two (2)

In Urban Areas

- i. No more than 2 entrances per lot, with minimum of 10 metres separation between entrances. The driveway(s) combined width shall not exceed 30% of the lot frontage.

Township entrance permits shall be subject to approval by the Director of Public Works.

Part II – Entrance Categories

1. An application requesting the change in the use of an existing entrance shall be considered on its own merits. The existing use or location of an entrance shall not be a factor in the decision to approve or refuse the permit.

Part III – Entrance Application Conditions

1. Work on the construction or alteration of an entrance must not be started before an entrance permit for the work has been issued by the Township.
2. Applicant should be aware that other permits and fees may be required from various authorities. Authorities include, but not limited to, Otonabee Regional Conservation Authority, Kawartha Conservation and Ministry of Transportation.
3. Work on an installation or development for which a permit has been granted must start within six (6) months of the date of issue of the permit or the permit shall be considered void and shall be cancelled by the Township.
4. All works related to or forming a part of an entrance shall be carried out in accordance with the plans and specifications provided by the applicant and subject to approval by the Township. The property owner shall bear all expenses related thereto. The property owner shall supply all materials, equipment and labour required to construct said entrance and shall assume all costs thereof.
5. The design and specifications of an entrance shall not be changed or otherwise altered without the written approval of the Director of Public Works or his/her authorized agent.
6. Township forms shall be used for all entrance applications.
7. The use or purpose of an entrance may not be changed without the written approval of the Director of Public Works or his/her authorized agent.
8. An application for the extension of an entrance permit must be made prior to the expiry date of the permit. A further term may be approved or refused by the Township.
9. If an entrance permit expires for any reason, all work constructed, maintained or operated under said permit shall, if the Township so requests, be removed without cost to the Township and the road and any affected adjacent property shall be restored to its original conditions.
10. An entrance permit may not be transferred from one owner to another. Each new permit shall be subject to the conditions that apply at the time of application.
11. An entrance permit may be cancelled at any time for breach of the regulations or conditions of the permit or for such reasons as the Township deems proper.

12. If, during the life of an entrance application, legislation is passed or regulations adopted which affect the rights and privileges granted therein, the said legislation or regulations shall be applicable to the permit commencing on the date they come into force.

Part IV – Entrance Specifications

1. All entrances shall be designed and constructed to allow the free flow of water along roadside ditches.
2. Entrances shall be divided into two categories, Rural and Urban, and 3 sub categories, residential, commercial and farm entrances. Minimum and Maximum widths of each can be found in the table below.

	Residential (min/max)	Commercial (min/max)	Farm (min/max)
Rural	6m/9m	6m/15m	6m/15m
Urban	4m/6m	6m/15m	N/A

3. Entrance culverts shall be either new 16 gauge, or heavier, galvanized steel spiral or HDPE pipe or equivalent material approved by the Director of Public Works. Used culverts shall not be used without the written approval of the Director of Public Works or his/her authorized agent.
4. The Director of Public Works or his/her authorized agent shall specify the diameter and length of all entrance culverts. This will be based on drainage of the surrounding area. The minimum diameter of an entrance culvert shall be 450 mm. The minimum length of an entrance culvert shall be 8 meters.
5. Curb cuts costs shall be covered by the applicant with curbs being reconstructed to Township's standards. Length of curb cut, if required, shall be outlined in the entrance permit application.
6. The grade of the entrance shall conform to the cross fall of the road from the centreline of the road to the centreline of the ditch before inclining or declining onto the applicant's property.
7. An entrance shall be a minimum of three (3) metres from the property's lot line.
8. A rural entrance shall be a minimum of thirty (30) metres from any bridge or intersection

9. No person shall construct, erect or otherwise place headwalls at the ends of an entrance culvert.
10. No person shall place stones, bricks, blocks or other obstructions at the ends of an entrance culvert or on the road allowance.
11. Trees, shrubs, etc. on the right-of-way of a Township road must not be cut without the written permission of the Director of Public Works. Where cutting of trees, shrubs, etc., is deemed necessary, such cutting shall only be done under the supervision of the Director of Public Works or his/her authorized agent. Where it is necessary to cut or trim trees, shrubs, etc., on the property adjacent to a Township road, the applicant must make the necessary arrangements with the property owners and bear all expenses in connection therewith, including any damages that occur as a result of such cutting and trimming.
12. Each entrance must be designed, constructed and maintained in a manner which prevents surface water from the entrance or the adjoining property from being discharged via the entrance onto the Township road.
13. The applicant shall be responsible for the construction, marking and maintenance of any detours which may be required as well as for maintaining safety measures for the protection of the public during the construction of and any works related to said entrance.
14. The applicant shall be responsible for any and all damages done to the Township road or adjacent property resulting from the construction, repair or other action related to his/her entrance.
15. The owner of a property served by an entrance shall maintain said entrance in accordance with the requirements of the Township.
16. The location and standard of construction of any new or altered entrance shall be subject to the approval by the Director of Public Works or his/her authorized agent, having due consideration for the safety and free movement of traffic and road maintenance operations.
17. In and during the performance of the work, the applicant shall indemnify and save harmless the Corporation of the Township of Cavan Monaghan and its agents from and against all claims, demands, losses, costs and damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by, or attributed to any such damage, injury or infringement.
18. If a resident's driveway is damaged to reset the culvert, during ditch maintenance or road resurfacing by the Township, the Township shall return the driveway to its original condition.

Part V – Fee Schedule

A. Entrance Application Permit Fees

1. A \$200.00 non-refundable permit fee shall be paid for each new residential entrance application, \$250.00 non-refundable permit fee for commercial/industrial entrance applications or an application to alter, modify or otherwise change an existing entrance. Payment of the fee shall be made when the application is made.
2. After the application has been made the Director of Public Works or his/her authorized agent shall visit the site and specify the conditions and specifications required for the entrance construction and, or, alteration, modification or other change. He/she shall notify the applicant in writing of these conditions and specifications.

B. Deposit Fees

1. A \$300.00 performance deposit which is refundable, shall accompany each new residential entrance application and \$750.00 performance deposit which is refundable deposit for commercial/industrial.
2. The applicant shall notify of Public Works Department when the entrance has been completed. The applicant's deposit will be refunded upon satisfactory completion of the entrance construction and acceptance of same by the Director of Public Works or his/her authorized agent.
3. Where the applicant fails to complete the work in accordance with the conditions and specifications of the entrance permit, the Township of Cavan Monaghan Public Works Department shall perform such work as may be necessary to bring the entrance up to the standard required and the costs incurred shall be recovered from the applicant's deposit.

Part VI-Repeal of By-Laws

1. Repeal in its entirety By-law 2004-65 being a By-law to Set Down Regulations and Fees for the Issuance of Entrance Permits and the Installation of Culverts.

Read a first, second and third time and passed this 4th day of Dec; 2017.



Scott McFadden
Mayor



Elana Arthurs
Clerk

