THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NO. 96-89

A By-Law to regulate the character, location and use of entrances in the Township of Tiny

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TINY ENACTS AS FOLLOWS:

1. **TITLE:**

This By-Law may be cited as The Entrance By-Law.

2. **DEFINITIONS:**

In this By-Law:

(a) "Entrance" means a driveway, entrance, gate or other structure or facility constructed or used as a means of ingress to and egress from every parcel of land onto the travelled portion of a public highway under the jurisdiction of the Township of Tiny;

(b) "Residential Entrance" means an entrance which serves a single-family residence, or an agricultural or forestry operation and used primarily by the persons living on the property or operating the agricultural or forestry operation located thereon;

(c) "Commercial Entrance" means all other entrances that are not a "Residential Entrance";

(d) "Boulevard" means that portion of a Township of Tiny's road allowance lying between the property line and the travelled portion of the highway;

(e) "Construct" means to do anything in the erection, installation, extension, material alteration, improvement or repair of an entrance and "Construction" has a corresponding meaning;

(f) "Unsafe" when used in respect of an entrance or any part thereof, means structurally inadequate or faulty for the purpose of an entrance or faulty for the proper flow of water along the Township road allowance, or allowing water to flow onto the travelled portion of a highway.

(g) "Daylighting" is a portion of road allowance which is formed by the joining of two street lines with a line at points equal distance set back from the projected intersection point of the tangents to the street lines.

(h) "Street Line" means the limit of the road allowance and is the dividing line between a lot and a road.

3. No person, firm or corporation shall construct or maintain an entrance in or on the boulevard portion of a public highway under the jurisdiction of the Township of Tiny unless an Entrance Permit therefor has been issued by the Roads Superintendent.

4. The owner of every parcel of land who wishes to construct or maintain an entrance on a highway under the jurisdiction of the Township of Tiny shall

(a) make an application in writing in the form attached hereto and marked as Schedule "A" and forming a part hereof, to the Roads Superintendent of the Township of Tiny, and

(b) pay such fees as may be prescribed from time to time by resolution of the Council of the Township of Tiny.

5. The Roads Superintendent shall cause to be issued an Entrance Permit upon receipt

(a) of a completed application that complies with the provision of this By-Law, and

(b) of the current application fees.

6. The Roads Superintendent shall revoke all Entrance Permits where

(a) it was issued on mistaken or false information; or

(b) construction has not been substantially completed within twelve (12) months of the issuance of the Permit; or

(c) the entrance is unsafe.

7. (a) Where the Roads Superintendent finds that any provision of this By-Law is being contravened, he may give to the assessed owner or owners of land or lands being benefited by the entrance an Order in writing directing compliance with such provision and may require the Order to be carried out forthwith or within such time as he specifies.

(b) Where the Roads Superintendent gives an Order under this section, the Order shall contain sufficient information to specify the nature of the contravention and its location.

(c) Where the Roads Superintendent gives an Order under this section, he may affix a copy thereof to the site of the construction and

upon the door to any building located on the lands for which the entrance benefits and no person, except the Roads Superintendent, shall remove such copy unless authorized by the Roads Superintendent.

(d) Where an Order of the Roads Superintendent under this Section is not complied with within the time specified therein, or where no time is specified, within a reasonable time in the circumstances, the Roads Superintendent may order that all or any part of the construction respecting the entrance cease and such Order shall be served on the owner of the lands for which the entrance benefits and a copy thereof shall be posted on the site of the construction and upon the door to any building located on the lands for which the entrance benefits and no person except the Roads Superintendent shall remove such copy unless authorized by the Roads Superintendent.

(e) Where an Order to cease construction is made under the preceding sub-paragraph, no person shall perform any act in the construction of the entrance in respect of which the Order, is made other than such work as is necessary to carry out the Order of the Superintendent made above.

8. (a) Where the Roads Superintendent finds that an entrance is unsafe he may serve upon the assessed owner of the lands for which the entrance benefits an Order in writing setting out the reasons why the entrance is unsafe and the remedial steps that he requires to be taken to render the entrance safe, and may require the Order to be carried out within such reasonable time as he specifies.

(b) Where an Order of the Roads Superintendent under the preceding sub-paragraph is not complied with within the time specified therein, or where no time is specified within a reasonable time in the circumstances, the Roads Superintendent may by Order prohibit the use of the entrance and such Order shall be served on the assessed owner of the lands for which the entrance benefits and a copy thereof shall be posted on the entrance and upon the door to any building located on the lands for which the entrance benefits and no person except the Roads Superintendent shall remove such copy unless authorized by the Roads Superintendent.

(c) Where the Roads Superintendent has made an Order under this paragraph and considers it necessary for the safety of the public, he may

cause the entrance to be renovated, repaired or demolished for the purpose of removing the unsafe condition and the cost of the renovation, repair or demolition may be added by the Clerk to the owner's tax roll and collected in the manner as municipal taxes.

9. (a) Any owner who considers himself aggrieved by an Order of the Roads Superintendent given under this By-Law may, within twenty (20) days after the Order is made, apply to a Judge of the District Court of Ontario at Barrie for a hearing and appeal.

(b) Any Order given, served or posted pursuant to Sections 7(a), 7(d), 8(a) or 8(b) of this By-Law shall include the date, a reference to the number of this By-Law, and shall also include the following words:

> "NOTICE: Any owner who considers himself aggrieved by this Order, may within twenty (20) days after this Order is made, apply to a Judge of the District Court of Ontario at Barrie for a hearing and appeal."

(c) Any Order served or posted pursuant to Sections 8(a) or 8(b) of this By-Law shall also include the following words:

> "WARNING: Where the Roads Superintendent considers it necessary for the safety of the public, he may cause the entrance to be renovated, repaired or demolished for the purpose of removing the unsafe condition and the cost of the renovation, repair or demolition may be added by the Clerk to the owner's tax roll and collected in the manner as municipal taxes."

(d) Where an application is made to a Judge for a hearing under sub-section (a), the Judge shall appoint a time for and hold the hearing and may rescind or affirm the Order or decision of the Roads Superintendent or take such action as the Judge considers the Roads Superintendent should take in accordance with this By-Law and for such purposes the Judge may substitute his opinion for that of Roads Superintendent.

(e) Any owner

i. who is given or served with an Order under this By-Law, or upon whose property an Order is posted,

ii. who has not within twenty (20) days after the Order applied to the District Court of Ontario for a hearing and appeal, and

iii. who does not comply with the Order,

is guilty of an offence.

(f) Any owner

i. who is given or served with an Order under this By-law, or upon whose property an Order is posted,

ii. who has applied to the District Court of Ontario for a hearing and appeal, and the said Order has been affirmed, and

iii. who does not comply with the Order,

is guilty of an offence.

10. No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with the Roads Superintendent in the exercise of a power or the performance of a duty under this By-Law.

11. A residential entrance may be constructed at any location except as follows:

(a) within thirty metres (30m/98 feet) of the end of any bridge, curve, hill or other obstruction that interferes with the clear vision of motor vehicle traffic using the entrance and traffic of the public highway in an area where the speed limit is 80 kilometres per hour or more;

(b) within forty five metres (45m/148 feet) of the intersection point of two street lines, or projected tangents of two street lines in an area where the speed limit is 80 kilometres per hour.

(c) within fifteen metres (15m/49 feet) of the intersection point of two street lines, or projected tangents of two street lines in an area where the speed limit is 50 kilometres per hour.

(d) within any daylighting area.

(e) if the entrance cannot be constructed to meet reasonable engineering specifications or if the same would be a hazardous entrance as a result of the location in relation to the topography of the land or clear vision resulting in an unsafe entrance for traffic using the public highway using reasonable engineering standards.

12. A commercial entrance may be constructed at any location except as follows:

(a) within one hundred and fifty metres (150m/492 feet) of the end of any bridge, curve, hill or other obstruction that interferes with the clear vision of motor vehicle traffic using the entrance and traffic on the public highway in an area where the speed limit is 80 kilometres per hour or more;

(b) within forty-five metres (45m/148 feet) of the intersection point of two street lines, or project tangents of two street lines in any area;

(c) within any daylighting area;

(d) if the entrance cannot be constructed to meet reasonable engineering specification or if the same would be a hazardous entrance as a result of the location in relation to the topography of the land or clear vision resulting in an unsafe entrance for traffic using the public highway using reasonable engineering standards.

13. A Residential Entrance may not be used as a Commercial Entrance without first obtaining a Commercial Entrance Permit and making all revisions to the existing entrance as the Roads Superintendent may require to make the existing entrance conform to the Commercial Entrance standards as set out herein.

14. (a) All entrances shall have minimum platform widths:

- four and eight tenths metres (4.8m/16 feet) if Residential;
- eight and two tenths metres (8.2m/27 feet) if Commercial.

(b) All entrances shall have a minimum culvert requirement of:

- three hundred and seventy-five millimetres (375mm/15") diameter; six and seven tenths of a metre (6.7m/22 feet) long if Residential.

- three hundred and seventy-five millimetres (375m'15") diameter; ten metres (10m/33 feet) long if Commercial.

(c) All entrances shall have all culverts and materials used approved by the Township Roads Superintendent.

(d) All entrances shall be constructed in the manner shown on Schedule "B" attached hereto and forming a part thereof.

(e) If in the opinion of the Roads Superintendent a bridge is required the Applicant shall file a plan prepared by a professional engineer and shall construct the entrance according to the said plan.

(f) All entrances shall be designed, constructed and maintained in such a manner as to prevent the discharge of surface waters from the entranceway and private property on to the travelled portion of road.

(g) If in the opinion of the Township Roads Superintendent a greater size and/or length of the culvert is required to provide for the adequate flow of the surface and/or storm water or the depth of the ditching along the travelled portion of the road requires a greater or larger size of culvert, the applicant shall supply and install such greater size as specified. Provided however if the Applicant disputes the Roads Superintendent's opinion as to oversizing as to size and length of the culvert, he shall retain the services of a professional engineer who shall certify to the Township the size and/or length of culvert required at that particular entrance using acceptable reasonable engineering standards, which certificate the Township shall accept;

(h) All entrances shall not be constructed within three metres (3m/10 feet) of any water service, valve or hydrant;

(i) All entrances shall not have a greater elevation within three metres (3m/10 feet) of the travelled portion of a Township highway than the closest edge of the travelled highway;

(j) If the length of the culvert is in excess of thirteen and four tenths metres (13.4m/44 feet) there shall be one clean-out for every additional thirteen and four tenths metres (13.4m/44 feet) or part thereof.

15. All firms, persons or corporations owning the property which use an entrance as defined herein shall maintain the culvert to the proper grade so as to allow for the maximum unimpeded flow of water through the said culvert.

16. Notwithstanding the provisions of any other By-Law of the Twp. of Tiny a Building Permit for any building or erection on land which shall enter onto a highway under the jurisdiction of the Township of Tiny shall not be issued until the owner of the said land first applied for and has obtained an Entrance Permit.

17. Every provision of this By-Law is declared to be severable from the remainder of the By-Law, and if any provision of this By-Law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

18. Where there is any conflict between this By-Law and any provision of any previously passed By-Law the said previous provision is hereby revoked.

19. Every person, firm or corporation who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than $300.00.

20. Notwithstanding the provisions of this By-Law the Roads Superintendent may under certain circumstances vary the requirements of this By-Law.

21. By-Law Number 77-87 is hereby repealed, except for any charges pending under the said By-Law.

THIS BY-LAW shall come into force and have effect after the third and final reading.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th **DAY OF** December **, 19**89 **.**

REEVE - Anthony Lancia **ADMINISTRATOR - Guy L. Maurice**

Township of Tiny
Road Department
Complete in full
Sections A & B & C

☐ **$50.00 FEE APPLICABLE FOR NEW ENTRANCES**

Roll No.

PURSUANT TO "ENTRANCE BY-LAW #96/89"
SCHEDULE "A"

A. **APPLICATION IS HEREBY MADE TO:**
(Check one or more of the following to indicate proposed work.)

☐ Construct an entrance
☐ Pave an entrance ☐ Asphalt ☐ Concrete ☐ Other
☐ Add permanent works onto existing entrance
☐ Change location, design or remove
☐ Change original use to: ☐ residential ☐ commercial
☐ Construct temporary entrance
☐ Construct additional entrance
☐ Use existing entrance

****Stake location of proposed entrance at road side ****

B. **THIS PERMIT TO BE ISSUED TO:**

Name: ..... Telephone: (.....) .....

MAILING ADDRESS: .....

..... Postal Code: .....

Property Description: Lot: ..... Plan: ..... Concession No.: .....

Entrance onto: .....
(roadway)

C. **ACKNOWLEDGEMENT:**
Owner has read indemnity clause on reverse of this page.

Date: ..... 20..... Signature .....
mth day yr (owner)

D. **ENTRANCE PERMIT:**

Initial Insp. Date: ..... 20..... Inspector .....
mth day yr

Culvert Requirement:

Length: ..... Diameter: ..... Type: ..... Gauge: .....

Special Instruction to Owner: .....

.....

☐ No Culvert required
Note: Poured concrete end protection for culverts not acceptable.

Approved and Permit Issued Date ..... 20 .....
mth day yr

Township of Tiny Per: .....
Road Supt./Foreman

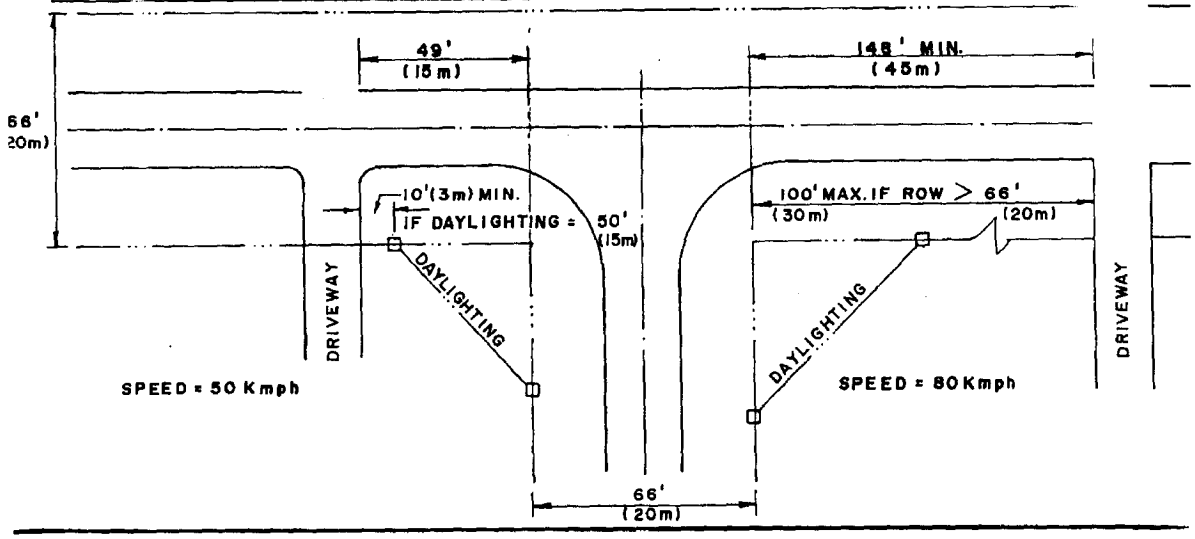
Follow-Up Insp. Date: ..... Notice Sent: Yes No

Final Insp. Date: ..... Notice Sent: Yes No

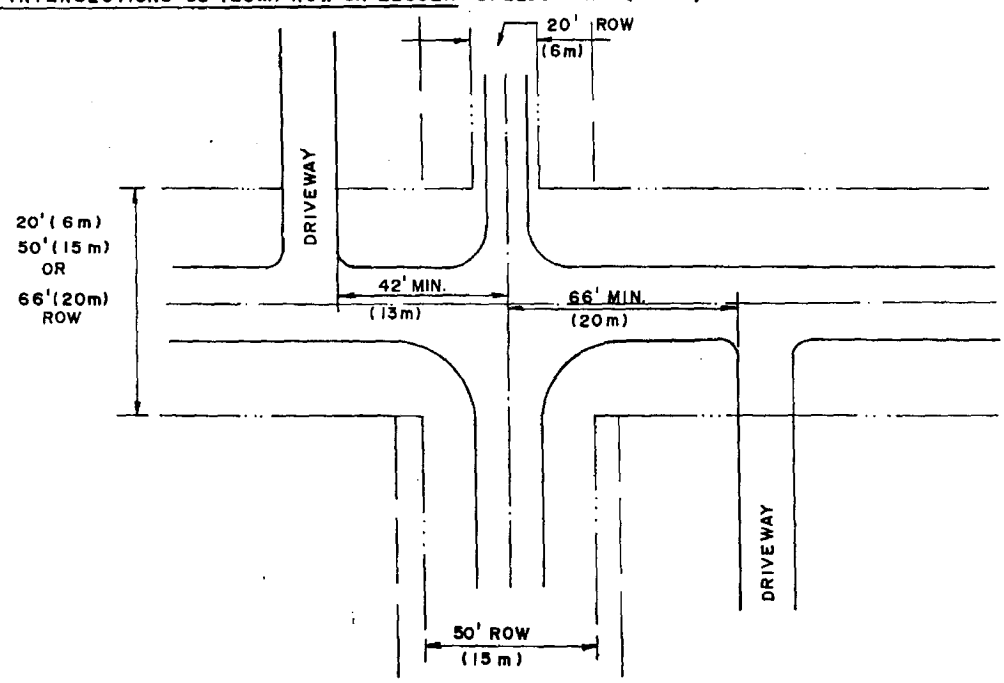
By-law Infraction: .....

Note: **Culvert installation requirements attached hereto in Drawing TS10 and TS11.**
Applicant: **This approval is issued under the authority vested in the Township of Tiny Road Superintendent by By-law 96-89 and regulations pursuant thereto.**

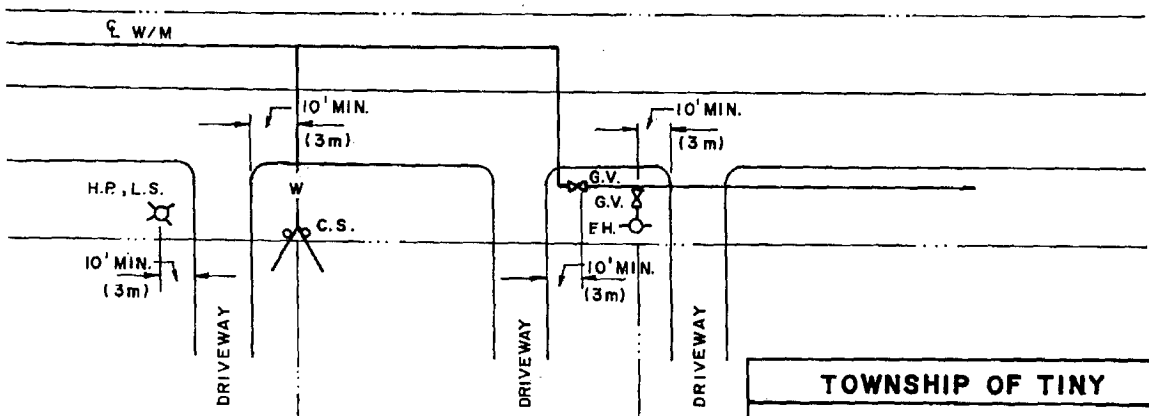
AT INTERSECTIONS 66'(20m) ROW OR GREATER - SPEEDS 50 AND 80 Kmph AS PER BY LAW Nº 77-87



AT INTERSECTIONS 66'(20m) ROW OR LESSER - SPEEDS = OR < 50 Kmph - RECOMMENDED STANDARD



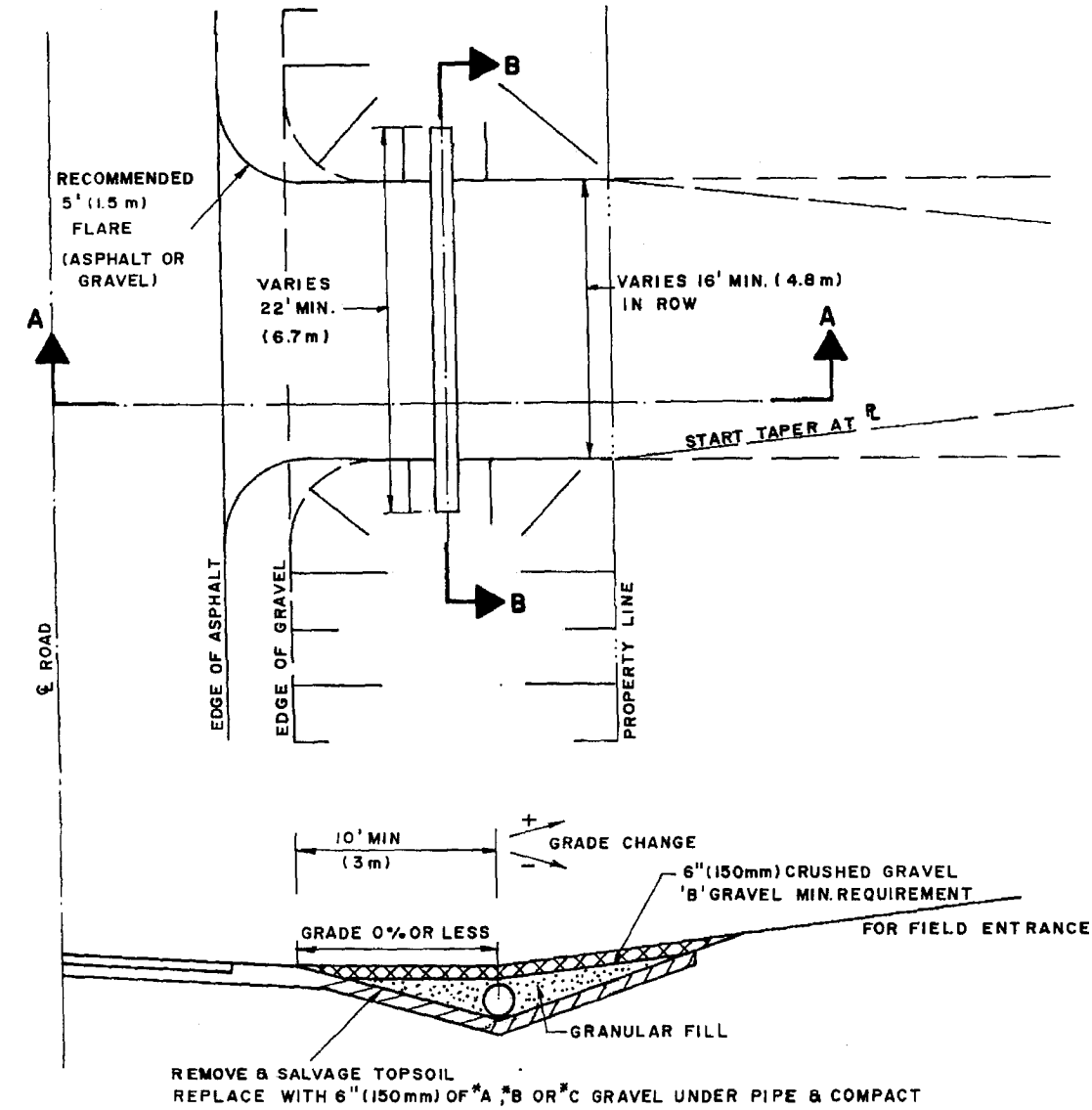
ENTRANCES NEAR UTILITIES - RECOMMENDED STANDARD



LEGEND:

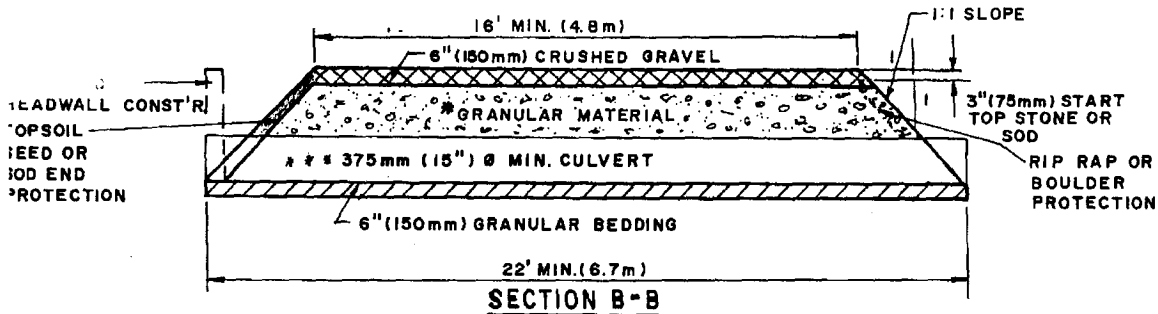
W/M = WATERMAIN
C.S. = CURB STOP
G.V. = GATE VALVE
F.H. = FIRE HYDRANT
H.P. = HYDRO POLE

TOWNSHIP OF TINY	
ENTRANCE LOCATIONS	
SCALE: N.T.S.	TS 10
DRAWN: CHECKED:	



A = CRUSHED GRAVEL
B = PIT RUN (NO ROCKS OVER 4")
C = SAND

SECTION A-A



SECTION B-B

* FIELD ENTRANCE GRANULAR 'B' ACCEPTED

** TREATED TIMBERS
RIP RAP
STONE

*** 375mm (15") Ø CORRUGATED RIVETED PIPE MIN. 16 GA.
450mm (18") AND 600mm (20") Ø C.R.P. TO BE MIN. 14 GA.

TOWNSHIP OF TINY	
SCHEDULE 'B' TO BY-LAW NO. 77-87	
ENTRANCE CONSTRUCTION STANDARDS	
SCALE: N.T.S.	TS 11
DRAWN: CHECKED:	