



## THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF JOLY

### BY-LAW # 2018 – 007

**Being** a By-law to permit and regulate the size and mode of construction of culverts and entrance ways which cross any drain or watercourse on a public highway under the jurisdiction of the Corporation.

**WHEREAS** Section 27(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a Municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;

**AND WHEREAS** it is desirable and expedient that the Corporation of the Township of Joly regulate the entrance ways and placement of culverts on public highways under Council's control;

**NOW THEREFORE** the Council of the Corporation of the Township of Joly enacts as follows:

1. **THAT** an entrance way, 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 to a Township road and includes the tiling and covering of a roadside ditch for the purpose of improving a lawn or other frontage.
2. **THAT** no entrance, culvert or bridge over any ditch or watercourse or adjacent to any Township road may be constructed without approval by the Road Department of the Corporation.
3. **THAT** an application, as set out in Schedule 'A' attached hereto, must be received before any work commences and includes an application fee of \$385.00, which consists of a \$300.00 deposit and a separate administration fee of \$85.00, payable to the Township of Joly.
4. **THAT** the application mentioned in Schedule 'A' is to be used for all new entrance ways or, where substantial changes to existing entrance ways are proposed.
5. **THAT** the location of the entrance must be approved by the Road Department to ensure public safety and convenience and to provide favorable sight lines, grade and alignment for all traffic using the proposed access and roadway; no undue interference with the safe movement of traffic and will not adversely affect other properties.
6. **THAT** the diameter, gauge, length and type of culvert to be used shall be determined by the Road Department.
7. **THAT** land owners shall purchase and install, or have installed, the approved culvert.
8. **THAT** all land owners, or their contractors, installing an entranceway/culvert are responsible for damage to the traveled portion of the highway, street or road as a result of the construction. The Township may effect the repairs at the cost of the land owner.
9. **THAT** the Road Department is hereby authorized, in the event an entranceway/culvert has been installed or improved to an unacceptable standard, to effect such installation or repair as necessary, at the expense of the assessed owner of the benefitting property.
10. **THAT** the deposit portion of the required fee shall be returned to the applicant following the completed construction of the entrance way/culvert and its approval



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by the Road Department. There shall be a maximum of six months from the date of approval for the completion of construction. Failure to complete construction and receive final approval in this time period will result in forfeiture of the deposit to the Corporation. A temporary entrance for a maximum period of six months may also be approved and which also requires an application and the payment of the fee. Failure to remove the temporary entranceway/culvert within the approved time period will result in forfeiture of the permit fee to the Corporation.

11. **THAT** entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.
12. **THAT** no person shall apply asphalt or other hard surface to that portion of an entrance way on the road allowance except under written authorization from the Road Department. No concrete surfaces are permitted on that portion of the entrance way that is over any part of the road allowance of the Corporation.
13. **THAT** the Corporation shall, after the final inspection and approval by the Road Department, maintain and replace from time to time as required, all culverts and structures installed under this by-law. The maintenance of the driving surface of all entrance ways shall be the responsibility of the applicant or land owner to whom the entrance way gives access. The Council of the Corporation reserves the right to make policy decisions on the timing and scope of replacement of culverts as dictated by financial constraints in place within the Corporation from time to time.
14. **THAT** any abandoned entrance requires a new entrance permit.
15. **THAT** second and subsequent entrance ways shall only be permitted by written authorization and approval by the application process by the Road Department and shall be expressly at the expense of the land owner. Such land owner will be required to file a statement with the Corporation acknowledging that the undertaking and all future maintenance is at his expense and shall be done under the direction of the Road Department.
16. **THAT** if the work to be done by the person directed or required to do so is in default, such matter or thing shall be done by the Corporation at the expense of the property owner and the Corporation may recover the expense incurred by the forfeiture of the required application deposit, plus all other associated costs in the same manner as municipal taxes.
17. **THAT** every person who contravenes the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as determined under the Provincial Offenses Act.
18. **THAT** this by-law shall take force and come into effect upon the third and final reading thereof.

Read a first, second and third time,  
signed and the Seal of the Corporation  
affixed thereto and finally passed in Council  
this 13<sup>th</sup> day of March, 2018

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Mayor

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Clerk