

THE TOWNSHIP OF JOLY

BY-LAW 2022 – 26

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** no work commences on the entrance without first obtaining written approval from the roads department on the entrance permit.
6. **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.
7. **THAT** every new entrance which crosses any drain or watercourse on a public highway under the jurisdiction of the Township is required to install a HDPE culvert 12" (300 mm) in diameter by 6m (19.68') to 8m (26.24') total length of culvert.
8. **THAT** no entrance shall exceed 8m (26.24') total length of the culvert without written approval from the roads department.
9. **THAT** the ratepayer signs a maintenance waiver, as set out in Schedule 'B' attached hereto, agreeing to maintain the larger culvert over 8m including but not limited to thawing the culvert if it freezes or paying to thaw the culvert.
10. **THAT** no culvert longer than 39.39' (12m) be installed.
11. **THAT** the diameter, gauge, length and type of culvert to be used shall be determined by the Road Department.

12. **THAT** land owners shall purchase and install, or have installed, the approved culvert.
13. **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.
14. **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.
15. **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 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.
16. **THAT** entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.
17. **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.
18. **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.
19. **THAT** any abandoned entrance requires a new entrance permit.
20. **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.
21. **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.
22. **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.
23. **THAT** By-law 2021-026 is hereby rescinded.

24. **THAT** this by-law shall take force and come into effect upon the third and final reading thereof.

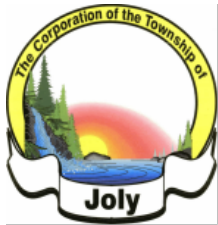
Read a first, second and third time,
signed and the Seal of the Corporation
affixed thereto and finally passed in
Council this 12th day of July, 2022

ORIGINAL SIGNED BY TIM BRYSON

Mayor

ORIGINAL SIGNED BY LEANNE CROZIER

Clerk



**BY-LAW # 2022-026
SCHEDULE "A"**

TOWNSHIP OF JOLY ENTRANCE CHECKLIST & APPLICATION

Instructions:

1. Go to www.townshipofjoly.com website or contact the office 705-384-5428 or by email office@townshipofjoly.com in order to obtain a copy of By-law #2022-26 and obtain a copy of the Entrance Application.
2. It is the responsibility of the property owner to review By-law #2022-26 and the checklist before filling out the application to ensure that the entrance permit is filled out completely before submitting to the Township of Joly.
3. Print and fill out property owner and location sections on Entrance Application (page 2) and draw a sketch (page 3).
4. Mail or drop off complete application along with payment to the office.
Please make cheque made payable to "The Township of Joly" in the amount of \$385.00.
P.O. Box 519
28 Municipal Lane, Sundridge, ON P0A 1Z0
Or
Drop box located at 28 Municipal Lane (lower level)
5. Upon receipt of the complete application and payment, the office will notify the Road Department so they can complete first inspection on the proposed location.
6. Once first inspection has been completed, the office will notify you either by email or mail. Construction can begin at this time.
Please note:
 - No work will commence until signed authorization is obtained from the roads department.
 - All entrances are required to be a minimum of 6 meters (20') and a maximum of 8 meters (26') in width.
 - Every new entrance is required to install a 12" 300mm minimum HDPE culvert.
 - Any culverts longer than 8m (26.24') installed without signed authorization by the roads department will have to be removed at the owner's expense.
 - For temporary entrances, entrance to be returned to original condition. Roads department to inspect and give approval before deposit is returned.
7. The applicant is required to contact the office upon completion of the entrance. The Road Department can complete final inspection.
8. Once the applicant receives final inspection the deposit will be returned if it is within 6 months from the date of approval.

Entrance Application

PROPERTY OWNER:

Name: _____ Signature: _____

Address: _____ City/Town/Village: _____

Province: _____ Postal Code: _____

Phone Number: _____ Email: _____

LOCATION:

Lot No: _____ Conc. No: _____ Plan No: _____ Sub lot: _____

Property Roll No: 4951 _____

Driveway: Primary Secondary Temporary

Location will be marked by (date): _____ ** Please complete page 3 of this permit

To be completed by Office & Road Department:

Administration fee and refundable deposit received on: _____

Receipt Number: _____ By: _____

First inspection completed by: _____ Date: _____

Culvert Size Requirements:

Type: _____ Diameter: _____

Length: Min: _____ Max: _____

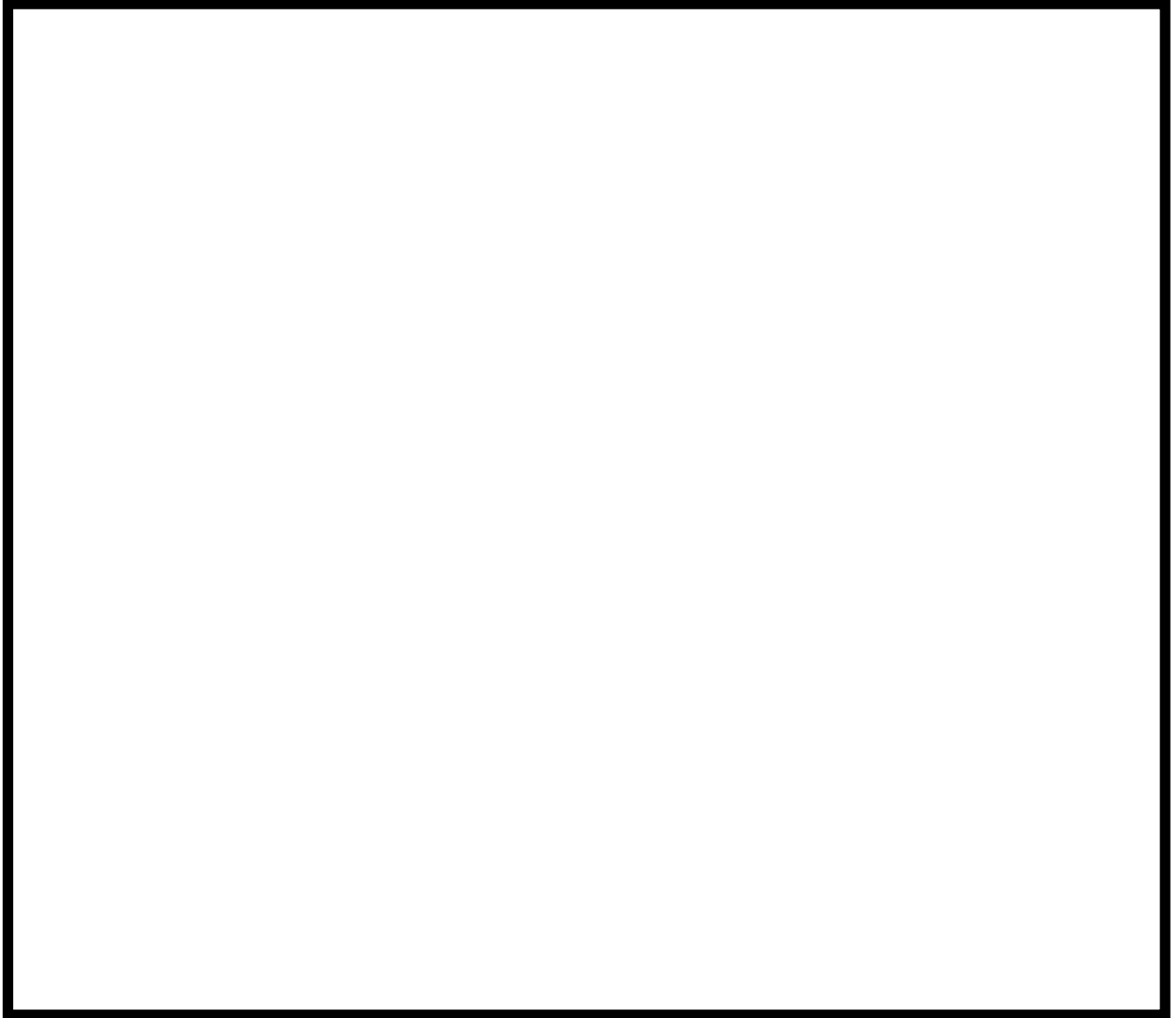
Notes: _____

Final Inspection completed by: _____ Date: _____

Deposit return issued by: _____ Date: _____

Please ensure your sketch includes:

- Total lot frontage
- Location of the lot entrance
- Distance of entrance from nearest boundary stake location.



Notes:

1. All entrances are required to be a minimum of 6 metres in (20 ft.) in width.
2. For temporary entrances, entrance to be returned to original condition after logging operation. Road foreman to inspect and give approval before deposit is returned.
3. It is the responsibility of the property owner to review By-law # 2022-26 before submitting an application to the Township of Joly.

BY-LAW 2022-26
SCHEDULE 'B'

Corporation of The Township of Joly

Culvert Maintenance Wavier

As stated in By-Law 2021-26 section 9 any ratepayer wishing to install an entrance culvert longer than 8 meters (26.24') is required to sign a maintenance wavier.

After a new culvert has been installed and final inspection has been approved by Joly Township's Roads Department, Joly Township then assumes all maintenance, repairs and replacement costs associated with the culvert.

Ratepayers wishing to install an entrance culvert longer than 8 meters (26.24') must read and understand that by signing this maintenance wavier they are assuming all maintenance, repair and replacement costs associated with the upkeep of their culvert. This also includes winter maintenance including but not limited to thawing of the culvert if it freezes and snow removal to open up the ends. As these are township owned culverts third party contractors are not permitted to work on township property. Hourly rates for the public works department to maintain these culverts are set at \$150.00 per hour.

I name _____ have read and understand by installing a entrance culvert longer than 8 meters (26.24') at address _____ that all maintenance, repairs and costs associated with this longer culvert is solely my responsibility and in no way can be invoiced to, or be reimbursed by Joly Township. This maintenance wavier remains in place until such time that a shorter 8-meter (26.24') culvert is installed at the expense of the ratepayer.

Signature

Date