THE CORPORATION OF THE TOWNSHIP OF JOLY

By-Law No. G-2024-002

Being a By-law to permit and regulate the size and mode of construction of culverts and entrance ways on a public highway under the jurisdiction of the Corporation and to establish set fines.

Legal Authority

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;

Section 8(1) of the *Municipal Act*¸ 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Scope of Powers

Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising its authority under the Municipal Act;

Section 391(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws imposing fees or charges on any Person for services or activities provided by the municipality or done on behalf of it;

Section 425 of the Municipal Act, 2001, permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

Section 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for a by-law passed under the Act;

Section 436(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

Section 445 of the Municipal Act, 2001, provides that a municipality may make an order to require a Person who caused or permitted a contravention to do the work to correct the contravention;

Section 446 of the Municipal Act, 2001, provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a

natural person for the purpose of exercising its authority under this or any other *Act*.

Preamble

This Bylaw requires a permit to construct a new entrance, alter an existing entrance or the installation of a culvert. It is desirable and expedient that the Corporation of the Township of Joly regulate the entranceways and placement of culverts on public highways under Councils control.

Direction

Council for the Corporation of the Township of Joly deems it is desirable and expedient that the Corporation of the Township of Joly regulate entranceways and placement of culverts on public highways under Council's control;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF JOLY ENACTS AND ENACTED AS FOLLOWS:

1. That the Entrance and Culvert installation regulation attached hereto as Schedule 'A, B, C D, & E' be adopted.
2. That any previous Bylaws pertaining to an Entrance Installation of a culvert policy, or similar, including Bylaw 2022-26, are hereby rescinded.
3. That this Bylaw comes into effect on the date of passing.

Bylaw read a first, second and third time and finally passed at a meeting of Council on the 9th day of July, 2024.

Original Copy Signed
Deputy Mayor Budd Brown

Original Copy Signed
Municipal Administrator Jennifer Martin

Schedule 'A'
To Bylaw G-2024-002
PROVISIONS

1. An entranceway, 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. All entrances, culverts and/or bridges adjacent to any Township road shall require a permit and approval by the Road Department.

3. An application, as set out in Schedule 'A' attached hereto, must be received before any work commences and includes an application fee of $400.00, which consists of a $300.00 deposit and a separate administration fee of $100.00, payable to the Township of Joly.

4. The application mentioned in Schedule 'C' shall be used for all new entranceways, or where substantial changes to existing entranceways are proposed.

5. No work shall commence on the entrance without first obtaining written approval from the Road Department.

6. 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. Every new entrance on a public highway under the jurisdiction of the Township is required to install at a minimum HDPE culvert 6m (19.68') to 8m (26.24') total length of culvert, diameter, gauge and type of culvert shall be determined by the Road Department.

8. No entrance shall exceed 8m (26.24') total length of the culvert without written approval from the roads department.

9. Applicants shall sign a maintenance waiver, as set out in Schedule 'D' attached hereto, agreeing to incur costs by the Roads Department to maintain any culvert over 8m including but not limited to a fee of $150.00 per hour to thaw the culvert if it freezes.

10. No culvert longer than 39.39' (12m) be installed.

11. Where possible all culverts shall be installed on Township property (within the road allowance, or at the discretion of the Road Foreman) with stakes marking where the culvert placement will be, prior to first inspection by the Road Department.

12. Applicants shall purchase and install, or have installed, the approved culvert, using approved aggregate as set out in Schedule B.

13. 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 fix the repairs at the landowners expense.

14. 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. 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. Entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.

17. No person shall apply asphalt or other hard surface to that portion of an entranceway on the road allowance except under written authorization from the Road Department. No concrete surfaces are permitted on that portion of the entranceway that is over any part of the road allowance of the Corporation.

18. The Corporation shall, after the final inspection and approval by the Road Department, maintain and replace from time to time as required, all culverts installed under this bylaw, unless a maintenance wavier has been signed. The maintenance of the driving surface of all entranceways shall be the responsibility of the applicant or landowner 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. Any abandoned entrance requires a new entrance permit.

20. Second and subsequent entranceways 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 landowner. Such landowner 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. 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. 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. If an Officer or Road Department has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer or Road Department may make an order requiring the person, contractor, or permit holder who contravened the By-law, or who caused or permitted the contravention, to discontinue the contravention.

23.1 An order issued under the authority of this By-law shall set out:
-The location on which the contravention occurred;
-The date of the contravention;
-The reasonable particulars of the contravention of the By-law;
-The date by which there must be compliance with the order;
-The date on which the order expires; and
-Notice that if the work is not done in compliance with the order to comply by the compliance date, the municipality may have the work done at the expense of the person, contractor, or permit holder and the costs of the work may be recovered by adding the amount to the tax roll.

23.2 If the work required by an order under the provisions of this By-law is not done within the specified period, the Town, in addition to any other remedies it may have, may do the work at the persons, contractors, or permit holders expense and may enter upon the land at any reasonable time for this purpose.

An order from the Township may be:

23.2.1 Served personally upon the person, contractor, or permit holder;

23.2.2 Posted on site where the contravention has taken place; or

23.2.3 Mailed by registered mail to the last known address of the persons, contractor, or permit holder according to the current assessment rolls.

23.2.4 If served by registered mail, an order under subsection 23.2.3 shall be deemed to have been served on the fifth day after mailing.

24. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

25. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or preforming a duty under this Bylaw.

26. No person shall fail to comply with an order issued pursuant to this Bylaw.

Schedule 'B'
To Bylaw G-2024-002
Entrance Permit Checklist & Culvert Installation Regulations

No work commences on the entrance without first obtaining written approval from the Road Department

☐ It is the responsibility of the property owner to review Bylaw G-2024-002 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.

☐ Fill out attached Schedule 'C' Entrance Permit Application Ensure the sketch includes; location of the lot entrance and distance of entrance from nearest boundary and stake location

☐ Ensure location has been marked for inspection by the Road Department

- Stakes or ribbons marking the driveway location and width
- Stakes marking where the culvert placement will be prior to first inspection by the Road Department

☐ Submit the attached application and sketch to office@townshipofjoly.com or mail to
P.O. Box 519. 871 Forest Lake Rd Sundridge, ON P0A 1Z0
Payment of $400.00 is due upon receipt of application. This payment encompasses a $300.00 deposit and a $100.00 administration fee.
Please contact the office for payment options 705-384-5428 or email address above.

Definitions

A Gravel - Granular A gravel that has been crushed to meet gradation requirements. M gravel also meets A gravel gradation requirements. Can be used as a topping or fill.

B Gravel - Granular B gravel that has been crushed to meet gradation requirements and or pit run gravel containing 3" or less sized rocks. Can be used as fill.

Blast Rock - 4 inch to 8 inch rock that has been crushed also known as Rip-Rap. Frost Line- 4 feet or more below ditch bed (bottom of the ditch)

Culvert Installation: Be sure there is no clay under the culvert, if there is it must be dug out below the frost line. Then refill the hole with granular B or A gravel (do not use sand) to the bottom of the ditch. Install the culvert flush with the bottom of the ditch grade to allow water to flow with the ditch then cover it with B or A gravel. Place A gravel on the topping (entire top of the new entrance). If no clay is evident then culvert can be placed flush at ditch bottom. The Roads Department may require 4-8 inch blast rock to cover the sloped bank at the ends of the culvert to prevent erosion.

The office will submit the sketch onto the Road Department who will then complete first inspection on the proposed location. Upon completion of the first inspection, the applicant shall be notified, and construction shall commence at that time. Potential issues include; limited sight lines, intersections and culvert size requirements. The applicant is required to contact the office upon completion of the entrance. Once the applicant receives final inspection, the $300.00 deposit is returned.

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.
- 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 be before deposit is returned.

Please note, there shall be a maximum of six months from the date of approval for the completion of construction.

Schedule 'C'
To Bylaw G-2024-002

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: _____

_____

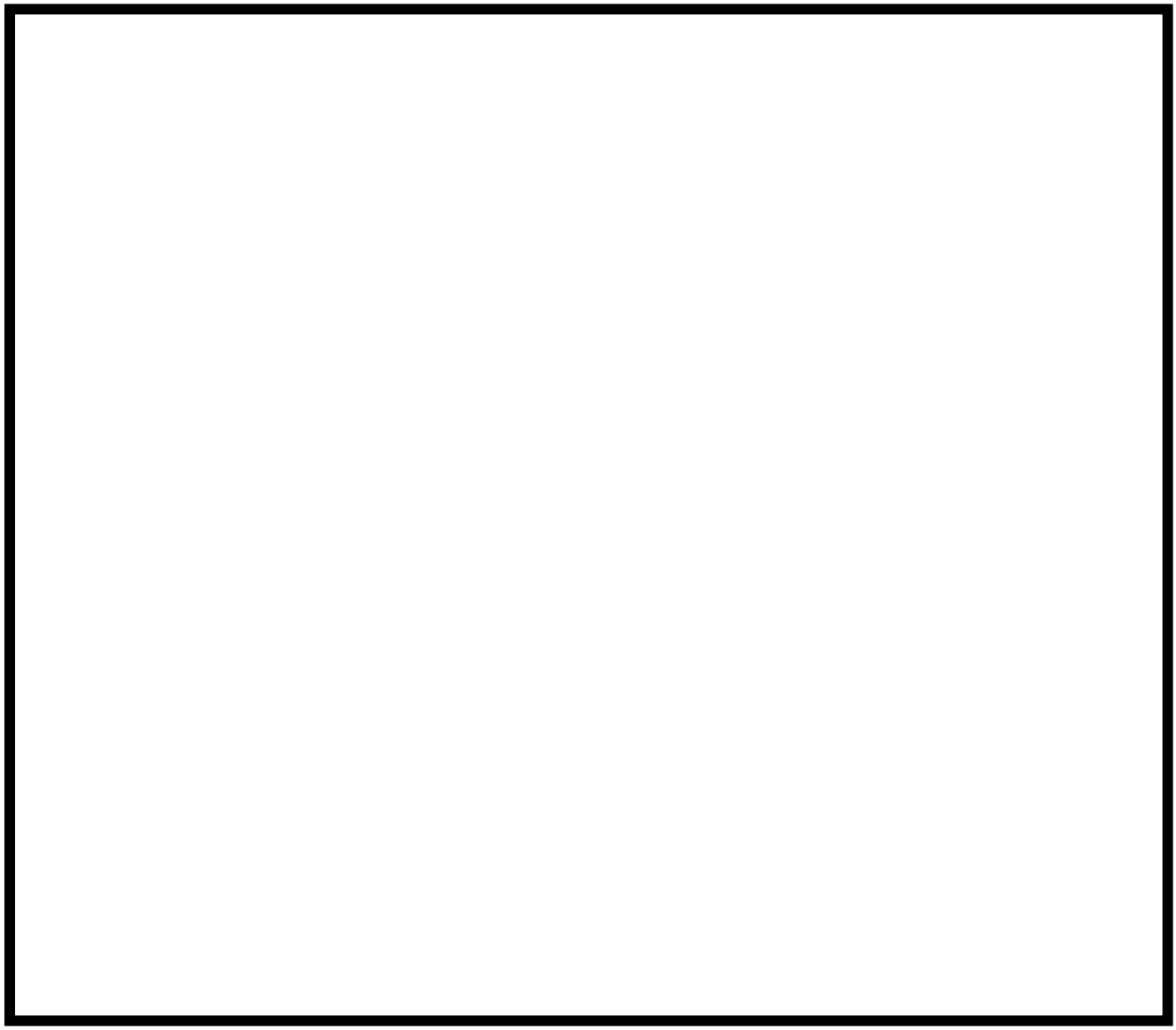
_____

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.

Schedule 'D'
To Bylaw G-2024-002
Culvert Maintenance Wavier

As stated in By-Law G-2024-002 sections 9 & 20 any persons wishing to install an entrance culvert longer than 8 meters (26.24') and or a subsequent entrance way is required to sign a maintenance wavier.

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

All applicants wishing to install an entrance culvert longer than 8 meters (26.24'), and or subsequent entrance, or if a maintenance waiver is requested by the Road Department, all applicants must read and understand that by signing this maintenance wavier they are assuming all maintenance, repair and replacement costs associated with the upkeep of the mentioned culvert under the direction of the Road Department. 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 _____ have read and understand by signing this maintenance wavier at _____ that all maintenance, repairs and costs associated with this culvert as directed by the Road Department 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 or the entrance is removed at the expense of the landowner.

Signature Date

Schedule 'E'
To Bylaw G-2024-002
Being a By-law to permit and regulate the size and mode of construction of culverts and entrance ways on a public highway under the jurisdiction of the Corporation and to establish set fines.

PART 1 PROVINCIAL OFFENCES ACT
SCHEDULE 'D'

Item	Short Form Wording	Provision Creating or Defining the Offence	Set Fine
1.	Fail to obtain permit	2	$400.00
2.	Fail to obtain permit – Location approval	6	$400.00
3.	Fail to obtain permit, alter or modify existing entrance	5	$400.00
4.	Place or install material not in accordance with the permit	7	$400.00
5.	Hinder or obstruct person exercising power to preform duty under Bylaw	25	$400.00
6.	Fail to comply with order issued under Bylaw	26	$400.00

NOTE: The general penalty provision for the Offences listed above is section 22 of Bylaw G-2024-002, a certified copy of which has been filed and section of the Provincial Offences Act, R.S.O 1990, c. P. 33.