

repeals 95-16

**CORPORATION OF THE TOWNSHIP OF CAVAN-MILLBROOK-
NORTH MONAGHAN**

BY-LAW NUMBER 2004-65

**BEING A BY-LAW TO SET DOWN 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 Council for the Corporation of the Township of Cavan-Millbrook-North Monaghan enacts as follows:

PART 1 – NUMBER OF ENTRANCES

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

- 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 (1) 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).**

Township entrance permits shall be subject to approval by the Director of Roads and Environmental Services or his/her designate.

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. 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.**
- 3. 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.

- 4. The design and specifications of an entrance shall not be changed or otherwise altered without the written approval of the Director of Roads and Environmental Services.**
- 5. Township forms shall be used for all entrance applications.**

6. **The use or purpose of an entrance may not be changed without the written approval of the Director of Roads and Environmental Services.**
7. **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.**
8. **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.**
9. **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.**
10. **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.**
11. **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. **Entrance culverts shall be new 16 gauge, or heavier, galvanized steel spiral or corrugated riveted construction or equivalent material approved by the Director of Roads and Environmental Services. Used culverts shall not be used without the written approval of the Director of Roads and Environmental Services.**
3. **The Director of Roads and Environmental Services shall specify the diameter and length of all entrance culverts. The minimum diameter of an entrance culvert shall be 450 mm. The minimum length of an entrance culvert shall be 8 meters.**
4. **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.**
5. **An entrance shall be a minimum of three (3) metres from the property's lot line.**
6. **A rural entrance shall be a minimum of thirty (30) metres from any bridge or intersection.**
7. **No person shall construct, erect or otherwise place headwalls at the ends of an entrance culvert.**
8. **No person shall place stones, bricks, blocks or other obstructions at the ends of an entrance culvert or on the road allowance.**
9. **No person shall apply asphalt, concrete or other hard surfaced material to that portion of the entrance which is located on the road allowance without the written approval of the Director of Roads and Environmental Services.**

10. **Trees, shrubs, etc. on the right-of-way of a Township road must not be cut without the written permission of the Director of Roads and Environmental Services. Where cutting of trees, shrubs, etc., is deemed necessary, such cutting shall only be done under the supervision of the Director of Roads and Environmental Services or his/her duly 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 occasioned as a result of such cutting and trimming.**
11. **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.**
12. **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.**
13. **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.**
14. **The owner of a property served by an entrance shall maintain said entrance in accordance with the requirements of the Township.**
15. **The location and standard of construction of any new or altered entrance shall be subject to the approval by the Director of Roads and Environmental Services, having due consideration for the safety and free movement of traffic and road maintenance operations.**
16. **In and during the performance of the work, the applicant shall indemnify and save harmless the Corporation of the Township of Cavan-Millbrook-North 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.**

PART V – FEE SCHEDULE

A. ENTRANCE APPLICATION PERMIT FEES

1. **A \$150.00 non-refundable permit fee shall be paid for each new entrance application 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 Roads and Environmental Services 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 refundable deposit shall accompany each new entrance application.**
2. **The applicant shall notify the Director of Roads and Environmental Services 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**

Roads and Environmental Services.

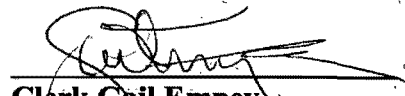
3. **Where the applicant fails to complete the work in accordance with the conditions and specifications of the entrance permit, the Township of Cavan-Millbrook-North Monaghan Road Department shall perform such work as may be necessary to bring the entrance up to the standard required and the costs incurred shall be recovered from the applicant's deposit.**

Part VI-REPEAL OF BY-LAWS

1. **Any and all entrance by-laws heretofore enacted by the Corporation of the Township of Cavan, Corporation of the Village of Millbrook, Corporation of the Township of North Monaghan and Corporation of the Township of Cavan-Millbrook-North Monaghan are hereby repealed in their entirety.**

Read a first, second and third time and finally passed in Open Council this
1st day of November 2004.


Reeve Neal Cathcart


Clerk Gail Empey