

THE CORPORATION OF THE UNITED COUNTIES

OF STORMONT, DUNDAS AND GLENGARRY

BY-LAW NUMBER NO. 5359

A BY-LAW to regulate the installation and usage of entranceways and pipes and to prohibit the obstruction of certain drains

WHEREAS Part II Section 11 Table of The Municipal Act, R.S.O. 2001, assigns the whole sphere of Highways to Upper Tier municipalities that have highways, and

WHEREAS Part II Section 11 Table of Municipal Act R.S.O. 2001 assigns collection of storm water and other drainage from land to Upper Tier Municipalities, and

WHEREAS it is deemed expedient to regulate the installation and use of entranceways and pipes over ditches and water courses upon or providing outlet to any highway forming part of the County Road System of the Corporation of the United Counties of Stormont, Dundas and Glengarry and to protect the outlet of these ditches and watercourses.

NOW THEREFORE the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That the installation and usage of entranceways and pipes conform to the requirements set out in Schedule 'A' of this By-law.
2. That By-law 5122 be hereby rescinded
3. That this By-law come into force and effect on the passing thereof.

READ and passed in Open Council, signed and sealed this 20st day of June 2022.



WARDEN



CLERK

SCHEDULE 'A' TO BY-LAW 5359

THE REGULATION OF ENTRANCES AND PIPED DITCHES

1) Definitions:

- a) "entrance" means any driveway, laneway, private road, entrance or other structure or facility constructed or used as a mean of access and/or egress to and/or from a highway under the jurisdiction of the Corporation, herein defined as a County Road;
- b) "front yard ditch filling" means the tiling and covering or filling in, of a County roadside ditch, in front of the property for the purpose of improving a lawn or another frontage;
- c) "Corporation" or "County" means the Corporation of the United Counties of Stormont, Dundas and Glengarry;
- d) "applicant" means any person, group or corporate body who applies to the Corporation for permission to construct an entrance or complete a front yard ditch filling;
- e) "Director" means the Director of Transportation and Planning Services of the Corporation of the United Counties of Stormont, Dundas and Glengarry appointed to administer and manage the provisions of this by-law and includes their authorized staff.

2) Classification of Entrances:

- a) "New Entrance" shall mean any entrance constructed where one did not exist before, altered in any manner (beyond surface maintenance) or when an entrance is reclassified or reviewed because of a planning application, development application, or change of property use.
- b) "Public Entrance" means an entrance opening onto a County road from a public road, street or highway or other thoroughfare, maintained by a municipality or other authority;
- c) "Residential Entrance" means an entrance opening onto a County Road from one or more residential dwelling units where there is no common parking area.
- d) "Commercial Entrance" means an entrance opening onto a County Road from a property used for commercial, industrial or institutional use or a combination thereof and includes residential properties such as apartments, townhouse developments and other multiple dwelling unit developments having common parking areas;

- e) "Commercial Field Entrance" means an entrance to a field of sufficient width to accommodate commercial trucks. This entrance shall extend to a distance that allows the safe parking of a commercial vehicle outside the right of way, on a granular surface.
- f) "Farm Entrance" means an entrance opening onto a County Road from a farm, field, bush, or other agricultural use.
- g) When an entrance is reclassified, the entrance shall conform with the minimum standards of the newly designated use per Section 9. In instances where the classification is changing from a greater standard to lesser standard, the Director shall have the discretion to determine the necessary improvements required to issue a permit for the reclassification.
- h) "Temporary Entrance" means an entrance opening onto a County Road that will be used for a limited period not to exceed 6 months to permit construction or other short term access.

3) Issuance of Permits

- a. A permit is required for any new entrance onto a County Road.
- b. No person, group or corporate body shall construct, alter or change an entrance or the classification (use) of an entrance or shall proceed with the filling or alteration of a front yard ditch adjacent to a County Road, until they have obtained a permit and paid the prescribed fees.
- c. Each application for a permit shall be made on the form provided by the County, available at the County Administration Building and on the County website.
- d. All applications are to be completed and delivered or mailed to the office of the County c/o the Department of Transportation and Planning Services, with the applicable application fee and location sketch.
- e. The sketch submitted with an entrance permit application must provide enough information to enable staff to locate the entrance in the field (e.g. dimensions to buildings and/or landmarks such as fences, hedgerows, tree lines, property lines, etc.) In addition, the applicant shall stake out or suitably mark the location of the proposed entrance for inspection by County staff
- f. The installation permit shall be issued on behalf of the County and subject to the terms and conditions provided herein and shall be valid only upon the completion of the terms and conditions contained therein

- g. The cost of construction or alteration of all entrances or front yard ditch filling, including the construction of catch basins, curbs, gutters, sidewalks, islands, granular, pipes, vegetation or other necessary appurtenances shall be borne entirely by the applicant
- h. The issuance, modification, revision or renewal of a permit shall be subject to the prescribed fee.
- i. New residential lots proposed through severance will not be granted an entrance permit unless the driveway spacing conforms with the conditions identified within the County Official Plan.
- j. In the event that an entrance or front yard ditch filling has not been constructed or installed in accordance with the Permit, it shall be removed by the applicant upon written direction issued by the Director. Failure to do so will result in the removal by the County at the expense of the applicant.
- k. When requested, the application for a permit shall be accompanied by proof of ownership of the subject property, in a form satisfactory to the Director.
- l. The contractor engaged to perform the work by the owner shall provide and maintain Comprehensive/ Commercial General Liability insurance acceptable to the Director prior to and during the installation of the works.
- m. Where the applicant wishes to construct an entrance, or undertake a ditch filling, the Director shall determine the size, location and mode of construction of the culvert, bridge, pipe or other structure to be used in the construction of the works. The permit will state these requirements and any other special provisions deemed necessary on the permit issued to the applicant.
- n. The construction of an entrance or a front yard ditch filling, in accordance with the specifications established shall be completed within twelve (12) months from the date of issuance of the installation permit. The Director may, in their sole discretion, renew or extend any permit issued under this by-law at no charge to the applicant.
- o. The applicant or their contractor shall notify the County representative indicated on the permit at least 48 hours prior to commencement of construction of the entrance or filled-in ditch. Work cannot commence until the County authorizes the start.

- p. Entrance or ditch filling applications that do not conform to this by-law shall be denied and the applicant shall be so informed in writing within five days of the Director's decision. A person who wishes to appeal a decision of the Director made pursuant to this by-law may appeal the Director's decision in accordance with the following:
 - i. County Council may authorize exceptions to this by-law on a case-by-case basis. The fee to make a request for exception shall be in accordance with the County's User Fee By-law, as amended from time to time. A written summary of the request for exception and /or presentation must be submitted to the Clerk of the County in accordance with the County's procedural by-law.

4) Restrictions – New Entrances

- a. Each entrance onto a County Road must be designed, constructed and maintained in a manner that will prevent surface water from adjoining properties being discharged via the entrance onto the shoulder or travelled portion of the County Road
- b. Where an alternate means of access is available, either by connection to the local road or a joint mutual entrance serving more than two properties; direct access onto the County road system will be denied.
- c. Entrances shall conform to the standards defined in Part 9 of this By-law.
- d. An entrance will not be permitted in a location that in the opinion of the Director would cause a traffic hazard. The applicant may be required to obtain a survey and/ or Engineering review to demonstrate that safe access to the County Road system is possible.
- e. A maximum of one entrance may be approved for each lot. Additional entrances shall not be permitted unless they are auxiliary entrances used solely for agricultural purposes. Secondary commercial entrances may also be approved provided the applicant demonstrates the need for this auxiliary entrance at the sole discretion of the Director through a traffic study or site circulation plan.
- f. No new (additional) entrance permits shall be granted to existing lots which have an existing approved entrance whether shared or otherwise onto a County Road. Should a lot have more than one entrance, the Director, in their sole discretion, reserves the right to require the removal of as many entrances as required to comply with the provisions of this By-law.

- g. Shared residential entrances are discouraged and only considered if individual entrances are not possible due to physical and/or safety constraints above and beyond the spacing requirements identified in the *County Official Plan*. Permits may be issued for new shared residential entrances provided that:
 - i. the main buildings have the same use and qualify for the same entrance standard;
 - ii. a legal framework is established to secure adequate access rights for all properties making use of the shared residential access;
 - iii. all other requirements of this by-law are satisfied.
- h. When an entrance is to be changed, or altered or where the property is used for any purpose other than its original use, a permit shall be required and the installation must comply and be subject to all the provisions set out in this by-law.
- i. No permanent entrances are to be installed between December 1st and April 15th unless a specific exemption is issued by the Director

5) Restrictions – Ditch Filling

- a. Each front yard ditch filling onto a County Road must be designed, constructed and maintained in a manner that will accept surface water from the County road and prevent surface water from adjoining properties from being discharged onto the travelled portion of the County road.
- b. All permitted ditch filling is done at the applicant's risk with no guarantee of continued right of use.

6) Work within *Municipal Drains*

- a. In instances where the entrance or ditch filling occurs within a *Municipal Drain*, the applicant will be required to obtain approval from the *Drainage Superintendent* and other applicable authorities prior to applying for an entrance permit.
- b. Any new pipes or works installed within *Municipal Drains* and their subsequent maintenance, repairs, alterations, replacements, surface repairs etc., shall be the responsibility of the property owner. Work shall take place in accordance with provisions noted within the *Drainage Act*.

7) Maintenance of Existing Entrances

- a. Property owners having access to a County Road are solely responsible for the original installation and continued surface maintenance of the entrance,

including but not limited to the removal of snow and ice, keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic, except in instances where the surface deficiency is a result of a pipe deficiency. Any pipe or structure installed under the terms of this by-law shall become property of the County and can be modified, removed or upgraded when deemed necessary.

- b. Any existing front yard ditch filling or any front yard ditch filling installed under the terms of this by-law shall be the property of the County upon acceptance of the work. All subsequent maintenance, repairs, alterations, surface repairs etc., shall be the responsibility of the County. All works installed under the terms of this by-law can be modified, removed or upgraded when deemed necessary.
- c. Head walls, retaining walls or structures (i.e. pillars, timber/railway tie/ block/ stone/ brick walls or any other type of material) at culverts shall not be permitted within the County road allowance. These shall be removed by the applicant upon written direction issued by the Director. The County will not be responsible for replacing any structures connected with any entrance while doing any maintenance work within the road allowance.
- d. Where an existing entrance is affected by the reconstruction of a County Road or the reconstruction or cleaning of a ditch, the County shall reinstate, existing residential entrances at the County's cost, to match the existing layout or the current standards applicable under this by-law (whichever is greater as circumstances dictate) provided the entrance is deemed safe in the sole discretion of the County. Commercial entrances impacted by County-initiated work will be reinstated in accordance with an applicable standard for the current commercial use. Restoration of surfaces will be with gravel (for non-paved entrances) or asphalt (for any hard-surfaced entrance). Reinstatement will be limited to the area physically disturbed during the work. Concrete and paver stone surfaces will not be replaced by the Counties. Where there is more than one entrance onto a County Road, the multiple entrances will be reinstated as above unless the entrance poses a safety concern, or, if otherwise agreed between the County and the landowner.
- e. A person who wishes to appeal a decision of the County as it relates to the reinstatement of existing entrances may appeal the County's decision in accordance with the provisions contained within Section 4.

8) Obstruction of Ditches and Watercourses

- a. No person shall obstruct any ditch, drain, watercourse or culvert either situated on or adjacent to a County road or any ditch, drain, watercourse or culvert providing an outlet for water discharged from a County road

- b. Any person found to be obstructing a drain, ditch, watercourse or culvert, shall, when requested by the County to do so, remove the obstruction within such time as is reasonable having regards to all circumstances but, in any event, within twenty-four (24) hours, and in default thereof, same shall be done by the County at the person's expense.

9) New Entrance Standards

- a. Pipes:
 - i. The diameter, gauge, length and type of pipe to be used to convey surface water drainage either through an entrance or a front yard ditch filling shall be determined by the Director based on contributing drainage area and other factors deemed appropriate during the analysis.
 - ii. Material:
 - Entrances: New aluminized corrugated steel pipe with a minimum wall thickness of 1.6 mm for pipes size up to 1,200 mm or high-density polyethylene (HDPE) at 320 kpa minimum stiffness. The wall thickness for corrugated steel pipes with a larger diameter than 1,200 mm shall be evaluated on a case by case basis.
 - Ditch filling: Perforated high-density polyethylene (HDPE) at 320 kpa minimum stiffness and approved fittings / couplers.
- b. Surface Widths:
 - i. Public Entrance: Per Engineer's design approved by the County
 - ii. Residential Driveway: 5.0m
 - iii. Commercial Entrance: Per Ministry of Transportation Ontario Commercial Site Access Standards (CSAS) or approved Engineer's design
 - iv. Commercial Field Entrance: 8.0m.
 - v. Farm Entrance: 6.0m
 - vi. Temporary Entrance: Varies based on requested use
- c. Culverts shall be installed at the proper grade to provide free and unimpeded flow of water through the culverts.
- d. The culvert shall be centred on the entrance and in the ditch line unless otherwise approved by the Director.
- e. Finished surface grading is to be completed per the requirements of the permit. Applicants may be required to submit a site grading plan depicting the existing topography and proposed site grades and cross sections at the discretion of the Director.

- f. Entrances are not permitted within 50 metres of, or across, a day lighting triangle, acceleration, deceleration, passing lane, intersection or at grade rail crossing;
- g. Entrances are not permitted within 50 meters of a structure such as bridges or guiderail that may obstruct the vision of traffic using an adjacent entrance and traffic on the County Road approaching the entrance.
- h. Ditch filling will not be permitted within areas where snow storage cannot be achieved.
- i. The minimum sight distance for new residential entrances shall be:

Minimum Sight Distance - Residential

Speed Limit km/h	Sight Distance (m)	
	Flat – less than 3% (metres)	On a grade – 3 % or greater (metres)
40	45	45
50	65	65
60	85	90
70	110	120
80	140	155
90	170	190
100	200	220

- j. The minimum sight distance for new commercial/ farm / field entrances shall be:

Minimum Sight Distance – Commercial and Agricultural Related

Speed Limit km/h	Sight Distance
50	120
60	140
70	160
80	180
90	200
100	230

10) Inspections, Offence and Penalty Provisions

- a. A field inspection may be carried out by County staff upon commencement and/or completion of the entrance
- b. The County may require that modifications be performed if the installation of the Entrance does not conform to the plans, specifications and permit conditions.
- c. In the event that modifications are required, the County shall provide written notice of the modifications to the applicant at the applicant's address as shown on the entrance permit application. The applicant shall carry out the required modifications within 45 days of the date of the written notice and is responsible for the cost of the inspection and any modifications required.
- d. Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties.
- e. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- f. Each day of default by the owner in complying with any of the provisions of this by-law shall constitute a separate offence.
- g. This By-Law is subject to and in furtherance of The Drainage Act, R.S.O., 1990, Chapter D.17 as amended.