



The Corporation of the Township of Nairn and Hyman

BY-LAW # 2005-12

BEING A BY-LAW TO REGULATE THE CONSTRUCTION OF DRIVEWAY ENTRANCES UPON THE HIGHWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN

WHEREAS the Municipal Act, 2001 provides that the Councils of all municipalities may pass by-laws respecting highways under their jurisdiction, and may exercise its powers as authorized under the “drainage and flood control” sphere of jurisdiction, pursuant to the Municipal Act, 2001;

AND WHEREAS it is deemed expedient to regulate the installation of entrance ways over ditches and watercourses upon any highway forming part of the township road system of the Corporation of the Township of Nairn and Hyman;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman hereby enacts as follows:

1. Definitions

- a) “Field Entrance” means ingress or egress from a property to a municipal road principally used on an occasional basis to provide access for motor vehicles to rural or vacant lots or acreage lots.
- b) “Residential Entrance” means ingress or egress for motor vehicles from a residential property used principally for the access of persons from the residential property to the municipal road.
- c) “Commercial Entrance” means ingress or egress for motor vehicles from a property zoned for commercial or industrial use or upon which the principal use of the land is the operation of a type of business or manufacturing or a waste disposal site.

2. Establishment of Entrances

- a) An entrance requires the approval of the Road Foreman to be established. An entrance must be established when:
 - i) there is no entrance to provide access to the property, or;
 - ii) the use of the property is changed requiring a different type of entrance.
- b) Field entrances may be permitted at the discretion of the Road Foreman providing there is clear visibility for a minimum of 120 metres (394 feet) in either direction from the location of the entrance.
- c) Residential entrances may be permitted at the discretion of the Road Foreman providing there is clear visibility in either direction from the proposed entrance.

- d) Commercial entrances may be permitted at the discretion of the Road Foreman providing such entrance:
 - i) provides access to lands which are zoned for 'Commercial' or 'Industrial' uses;
 - ii) provides a minimum of 150 metres (492.15 feet) clear visibility in either direction from the proposed commercial entrance;
 - iii) provides a minimum roadbed width of 15 metres (49.22 feet);
 - iv) in the case of entrance onto a hard-surfaced or paved municipal road, the commercial entrance shall also be paved for a distance of not less than 20 metres (65.62 feet) back from the edge of the municipal road
3. Entrance permits must be obtained prior to the issuance of a building permit.
4. Any entrance installed that does not comply with the provisions of this by-law may be removed at the discretion of the Road Foreman and all costs will be levied against the adjoining property owner(s).
5. Minimum standards for field entrances and residential entrances shall be:
 - a) Entrance culverts (where required) shall be a minimum of three hundred and eighty-one (381) millimetres in diameter (15 inches) and a total of six point seven one (6.71) metres (22.02 feet) in length. All culverts shall be constructed of corrugated steel. A minimum width of five point four nine (5.49) metres (18.01 feet) of roadbed shall be required. Culverts over six point seven one (6.71) metres (22.02 feet) in length will require approval of council. All culverts are to be installed to Ministry of Transportation standards. Crushed gravel must be used to fill in onto the right of way. All costs for the entrance are the responsibility of the property owner. All culverts must be new and undamaged.
6. Every applicant shall complete an application for an entrance permit, a copy which is attached as Schedule "A" to this by-law.
7. Any by-laws previously passed which sets out the requirements for entrance types in the Township of Nairn and Hyman are hereby repealed.
8. That any person who contravenes any of the provisions or part of this by-law is guilty of an offence and shall, upon conviction therefore, be liable to a fine as provided under the Provincial Offences Act. Such penalty shall be recoverable pursuant to the Provisions of the Provincial Offences Act, R.S.O. 1990.
9. That this by-law shall come into force and take effect upon final passing thereof.

Read a FIRST, SECOND and THIRD time and finally passed in open council this 28th day of November, 2005.

REEVE

CAO



The Corporation of the Township of Nairn and Hyman

BY-LAW # 2005-12

SCHEDULE "A"

Application for Entrance Permit

Permit number: _____

Name of Applicant: _____

Address: _____

Telephone (Home): _____ (Business) _____

Location: Township Road Name: _____

Lot #: _____ Concession #: _____ Geographic Township: _____

Description: _____

Requirements: Entrance Use: Residential Commercial Other

Change of design or location of existing driveway: Yes No

It is understood by the applicant that all works will be constructed or altered at the expense of the undersigned, and that work must not commence before a permit has been issued by the municipality.

Applicant's Signature: _____

Name (Please Print): _____

Date: _____

Mailing Address: _____
