

POLICY MANUAL	Policy No. 6-7
For the Municipality of South Dundas	Effective Date: December 20, 2001 Revised: July 17, 2007 October 25, 2021
Subject: Entrance Permits	Department: Transportation Services

PURPOSE

A policy to regulate the installation and usage of entranceways and pipes and to prohibit the obstruction of certain drains. And, 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 Municipal Road System and to protect the outlet of these ditches and watercourses.

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 jurisdiction of the Corporation, herein defined as a Municipal Road;
- b) "front yard ditch filling" means the tiling and covering or filling in, or a Municipal roadside ditch, in front of the property for the purpose of improving a lawn or another frontage;
- c) "Corporation" or "Municipality" means the Corporation of the Municipality of South Dundas;
- d) "applicant" means any person, group or corporate body who applies to the Corporation of the Municipality of South Dundas 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 for permission to construct an entrance or complete a front yard ditch filling;
- f) "Director" means the Director of Transportation of the Corporation of the Municipality of South Dundas appointed to administer and manage the provisions of this By-law and include their authorized Staff.

CLASSIFICATION OF ENTRANCES

- a) "Public Entrance" means an entrance opening onto a Municipal Road from a public road, street, or highway or thoroughfare, maintained by the Municipality;
- b) "Residential Entrance" means an entrance opening onto a Municipal Road from one or more residential dwelling units where there is no common parking area.
- c) "Commercial Entrance" means an entrance opening onto a Municipal 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;
- d) "Farm Entrance" means an entrance opening onto a Municipal Road from a farm, field, bush, or other agricultural use.
- e) 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.
- f) "Temporary Entrance" means an entrance opening onto a Municipal Road that will be used for a limited period not to exceed 6 months to permit construction or other short-term access. Once temporary entrance is completed then a new entrance application for a permanent entrance will need to be filed.

ISSUANCE OF PERMITS

- a) No person, group or corporate body shall construct alter or change an entrance or the classification (use) of a entrance or shall proceed with the filling or alteration of a front yard ditch adjacent to a Municipal Road, until they have obtained a permit and paid the prescribed fees.
- b) Each application for a permit shall be made on the Municipal form.
- c) All applications are to be completed and delivered or mailed to the Municipal Centre c/o the Director of Transportation, with the applicable application fee and location sketch.

- d) The sketch submitted with an entrance permit application must provide enough information to enable Staff to locate the entrance in the field 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 Municipal Staff.
- e) The installation permit shall be issued on behalf of the Municipality and subject to the terms and conditions provided herein and shall be valid only upon the completion of the terms and conditions contained therein.
- f) 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.
- g) New residential lots proposed through severance will not be granted an entrance permit unless the driveway spacing conforms with the conditions identified within the official plan.
- h) 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 Municipality at the expense of the applicant.
- i) 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.
- j) The contractor engages to perform the work and the owner shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the Director prior to and during the installation of the works.
- k) 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 under this By-law at no charge to the applicant.
- l) 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.

- m) The applicant or their contractor shall notify the Municipality at least 48 hours prior to commencement of construction of the entrance or filled-in ditch. Work cannot commence until the Municipality authorizes the start.
- n) 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. Municipal 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 Municipal 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 Municipality.

RESTRICTIONS - ENTRANCES

- a) Each entrance onto a Municipal 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 Municipal Road.
- b) Entrances shall conform to the standards defined in Section 9 of this By-law.
- c) 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 Municipal Road system is possible.
- d) A maximum of one entrance may be approved for each lot. Additional entrances shall not be permitted unless they are auxiliary farm 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 Direction through a traffic study or site circulation plan.
- e) No new (additional) entrance permits shall be granted to existing lots which have an existing approved entrance whether shared or otherwise onto a Municipal 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.

- f) 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 Municipal 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.
- g) 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 for the installation must comply and be subject to all the provisions set out in this By-law.
- h) No permanent entrances are to be installed between December 1 and April 15 unless a specific exemption is issued by the Director.

RESTRICTIONS – DITCH FILLING

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

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.

MAINTENANCE

- a) Property owners having access to a Municipal Road where a culvert is required are responsible for installation, repairs, 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.
- b) Any existing front yard ditch filling or any front yard ditch filling installed under the terms of this By-law shall be property of the Municipality upon acceptance of this work. All subsequent maintenance, repairs, alterations, surface repairs etc., shall be responsibility of the Municipality. 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 Municipal road allowance. These shall be removed by the applicant upon written direction issued by the Director. The Municipality will not be responsible for replacing any structures connected with an entrance while doing any maintenance work within the road allowance.
- d) Where an existing entrance is affected by the reconstruction of a Municipal road or the reconstruction or cleaning of a ditch, the Municipality shall reinstate, entrances at the Municipality's cost, to the current standards applicable under this By-law. Restoration of surfaces will be 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 be replaced by the Municipality.

OBSYRUCTION OF DITCHES AND WATERCOURSES

- a) No person shall obstruct any ditch, drain, watercourse or culvert either situated on or adjacent to a Municipal road or any ditch, drain, watercourse or culvert providing an outlet for water discharged from a Municipal road.
- b) Any person found to be obstructing a drain, ditch, watercourse or culvert, shall, when requested by the Municipality 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 Municipality at the person's expense.

STANDARD

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 1.6mm for pipes up to 1,200mm (48") or high-density polyethylene (HDPE) at 320 kpa minimum stiffness. The wall thickness for corrugated steel pipes with a larger diameter than 1,200mm (48") 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. HDPE must be wrapped with a filter sock.

b) Surface Widths

- i. Public Entrance: Per Engineers design approved by the Municipality
- ii. Residential Driveway: 5.0m
- iii. Commercial Entrance: Per Ministry of Transportation Ontario Commercial Site Access Standards (CSAS) or approved Engineers design
- iv. Farm Entrance: 13m
- v. Temporary Entrance: Varies based on requested use.
- vi. Special exceptions may be made and reviewed on a case-by-case basis.

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 centered 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 40 meters of, or across, a day lighting triangle, acceleration, deceleration, passing lane, intersection or at grade rail crossing.
- g) Entrances are not permitted within 40 meters of a structure such as bridges or guiderail that may obstruct the vision of traffic using an adjacent entrance and traffic on the Municipal 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% (meters)	On a grade – 3% or greater (meters)
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

INSPECTIONS, OFFENCE AND PENALTY PROVISIONS

- a) A field inspection may be carried out by Municipal Staff upon commencement and/or completion of the entrance.
- b) The Municipality may require 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 Municipality 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 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.