

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #5783

A By-law to Regulate the Use, Construction Or Alteration Of Any Entrance Ways, Private Roads or Access to a County Highway.

WHEREAS Part II of the Municipal Act, S.O. c.25, as amended authorizes a municipality to pass By-Laws for the regulation of matters under its jurisdiction and to provide for a system of licenses, permits, approvals or registrations regarding matters that are so regulated;

AND WHEREAS the Council of the Corporation of the County of Middlesex deems it necessary and desirable to regulate the use, construction and alteration of private roads, entrance ways or other facilities that permit access to County roads and to provide for the issuing of permits related thereto;

AND WHEREAS Part XII of the Municipal Act authorizes a municipality to charge permit fees and require security deposits under all of the municipality's By-Laws;

NOW THEREFORE The Council of the Corporation of the County of Middlesex enacts as follows:

1. THAT in this By-law:
 - a) "Council" shall mean the Council of the Corporation of the County of Middlesex;
 - b) "County Highway" shall mean all roads included in the County of Middlesex road system as defined in By-law 5399 of the Corporation of the County of Middlesex and any amending By-laws thereto.
2. THAT no person shall construct or alter or cause to be constructed or altered any private road, gate or other structure or facility that permits access to any County road, unless such access has been approved by an authorized officer as evidenced by the issuance of an access permit.
3. THAT no person shall make or permit any change of use of any private road, entrance way, gate or other structure or facility that permits access to any County road, unless such access has been approved by an authorized officer as evidenced by the issuance of an entrance permit.
4. THAT an entrance permit may be issued in accordance with the standards, policies and fees set out in Schedule "B" of this By-law by the County Engineer appointed by the Council of the Corporation of the County of Middlesex or any employee of the Corporation of the County of Middlesex who acts at the direction of the County Engineer.
5. THAT any such access constructed, altered, or the use of which has been changed, under the provisions of this By-law shall conform to the standards and principles set out in the policies in Schedule "B" of this By-law and shall further comply with all terms and conditions attached to any entrance permit issued hereunder.
6. THAT all costs associated with an entrance permit and construction of the entrance access in accordance with the terms of the permit will be the responsibility of the applicant.

Cont'd...

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #5783

Page 2

7. THAT the entrance permit be in the form set out in Schedule "A" attached hereto and forming part of this By-law and that the permit, where necessary, shall include the terms and conditions for the construction of the said entrance or access as required by the authorized officer issuing the said permit.
8. THAT every person who contravenes any provision of this By-law shall upon conviction be liable to payment of a fine of at least \$1000.00 for a first offence and \$2,000.00 for a second or succeeding offence, exclusive of costs and every such penalty shall be recoverable under the provisions of the Provincial Offences Act as amended from time to time.
9. THAT the County Engineer appointed by the Council of the Corporation of the County of Middlesex or any employee of the Corporation of the County of Middlesex who acts at the direction of the County Engineer be authorized to remove any entrance that does not conform to the requirements of this by-law from the road allowance.
10. THAT this By-law shall become effective on the day it is finally passed.

PASSED IN COUNCIL this 14th day of December, 2004.

Warden

Clerk

Cont'd...

**THE CORPORATION OF THE COUNTY OF MIDDLESEX
SCHEDULE "A"
TO BY-LAW #5783**

**COUNTY OF MIDDLESEX
ENTRANCE/WORK PERMIT**

Approval is granted to: _____ (NAME) _____ Owner/Applicant	
Address:	
Postal Code:	Tel.:
For a Residential entrance to serve LOT or Municipal No. , Concession or Street: No.	
Municipality of _____ on the _____ side of Middlesex County Road No. _____ at a location:	

Requirements for the Entrance:	
Top Width: _____ metres	Surface Type: _____
Length of Pipe: _____ metres	Diameter of Pipe: _____

GENERAL CONDITIONS:

1. It is the applicants responsibility to advise the County when all work on the road allowance is completed and ready for inspection. Costs for repeated inspections may be deducted from the deposit. The County reserves the right to retain all or part of the deposit to offset County costs to restore unsatisfactory work to match original conditions; for any damage claims, or for other County costs related to work performed under this permit. The County also reserves the right to retain all or part of the deposit for a minimum period of six months after initial acceptance by the County for potential settlements, ground cover restoration, etc. 2. The applicant is required to protect existing cables, conduits, structures or other appurtenance from damage as result of the work under this permit. Any such damage occurring shall be immediately repaired to the satisfaction of the authority having jurisdiction over the damaged plant. 3. The County does not guarantee that the location selected for services is not in use by other utilities or services. 4. The applicant agrees that prior to beginning any work on the road allowance, proper signing and barricades shall be provided for traffic control in conformance with the "Traffic Control Manual for Roadway Work Operations" - latest edition. The applicant(s), agree and bind ourselves to indemnify and save harmless the County of Middlesex from any and all claims arising as result of the work for which this Permit is issued.

Special Conditions:

Fee Paid: \$300.00	Refundable Deposit: \$
---------------------------	-------------------------------

EXPIRY DATE <i>This Permit is valid for a period of one year from the date of issue. If the entrance is not completed/installed to the satisfaction of the County by____, this permit will automatically expire.</i>
--

Per _____
County Engineer

Date of Issue _____

c.c.: District No.

THE CORPORATION OF THE COUNTY OF MIDDLESEX
SCHEDULE "B"
TO BY-LAW #5783

COUNTY OF MIDDLESEX
ENTRANCE POLICIES

The Transportation and Emergency Services Department shall consider the following guidelines when reviewing all applications for new entrances or alterations to entrances:

- a) protection of the public through the orderly control of traffic movements onto and from County roads.
- b) maintenance of the traffic carrying capacity of the County road network.
- c) protection of the public investment in County road facilities.
- d) minimizing County expenditures on maintenance of private ENTRANCE WAYS.
- e) providing legal access onto County roads from adjacent private property.
- f) ensure uniform practices in the design and construction of accesses

DEFINITIONS

Field Entrance:	provides access to agricultural fields.
Farm Entrance:	provides access to farm buildings and agricultural lands.
Residential Entrance:	provides access to residential facilities of four units or less.
Commercial/Industrial/ Institutional Entrance:	provides access to a development where goods and/or services are manufactured or sold to the public, institutional uses, and includes residential facilities of five or more units.
Temporary Entrance:	provides access to properties for a limited period not to exceed one year for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.
Auxiliary:	provides additional access to a residential facility or farm building.

Cont'd...

SCHEDULE "B" to By-law #5783, Continued:

LOCATION OF ACCESSES

The County may restrict the placement of an access onto the County road in the interest of public safety. New accesses must be located so as to provide:

- a) no undue interference with the safe movement of public traffic, pedestrians, or other users of the highway.
- b) favourable vision, grade, and alignment conditions for all traffic using the proposed access to the County road.

In general, new entrances **will not be permitted** at the following locations:

- a) along a lane which is identified for the purpose of an exclusive vehicular turning movement.
- b) in close proximity to intersections.
- c) within daylight triangles at intersections.
- d) where the following minimum sight distance requirements are not met.

<u>Speed Limit</u>	<u>Minimum Sight Distance</u>
50 km/hr	135 metres
60 km/hr	165 metres
70 km/hr	180 metres
80 km/hr	200 metres
90 km/hr	210 metres

Note: *Sight distance shall be measured from an eye height of 1.05 metres measured 3.0 metres from outer edge of the traffic lane to passenger car lights designated as 0.60 metres above the roadway surface.*

- e) within 20 metres centre to centre of another same side entrance in Rural areas.
- f) in Urban areas, entrances must be spaced away from adjacent entrances sufficient distance to provide a minimum of 2 metres clear space between the ends of adjacent entrance pipes, or, at locations of curb and gutter, to provide a minimum length of 1 metre of raised curb between adjacent entrances.

Design Standards

- Entrance Grade: The finished surface of the access must drop away from the edge of the highway driving surface at a slope of not less than 2% to at least the edge of shoulder rounding.
- Field Entrance: Shall be surfaced with at least 150 mm (6") crushed gravel (Granular "A"), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to a minimum entrance width of 6.0 metres and a maximum entrance width of 9.0 metres.
- Farm or Residential: Shall be surfaced with at least 150 mm (6") crushed entrance gravel (Granular "A"), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to a maximum entrance width of 6.0 metres.

SCHEDULE "B" to By-law #5783, Continued:

Commercial / Industrial / Institutional Entrance: Shall be surfaced with hot-mix asphalt to County standards. Where a culvert is required, its length will be dictated by the entrance design which will be site specific having regard for number and type of vehicles expected to utilize the entrance.

Curb and /or Headwalls: No curb or head wall can extend above the surface of the roadway shoulder within a distance of 4 metres from the edge of the travelled roadway. All curbs and head walls are constructed at the sole expense and risk of the applicant.

Maintenance of Entrances: Property owners having access to a County road are fully responsible for the maintenance of the access including the removal of snow and ice and keeping the portion of the access within the highway in a safe condition for vehicular traffic.

A culvert pipe installed under the terms of the access permit shall become the property of the County upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc., shall be the responsibility of the County, except where the culvert crosses a municipal drain in which case the maintenance will be the responsibility of the Township with costs shared in accordance with the By-law.

Curb and Gutter: Where curb and gutter exists at the location of the proposed entrance, the applicant will be required to construct a curb cut at the entrance location if required. The existing curb shall be removed and replaced using material acceptable to the Director of Transportation and Emergency Services or altered in accordance with the Director of Transportation and Emergency Service's requirements. The area between the curb and sidewalk is to be paved with hot-mix asphalt, concrete or paving stones, in accordance with the Director of Transportation and Emergency Service's requirements. If there is no sidewalk, the entrance is to be paved a distance of 2 metres behind the curb.

Number of Width of Accesses:

It will be the policy of the Transportation and Emergency Services Department to:

- a) Limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- b) Limit the number of accesses to a property to the number required for the safe and reasonable access to the County road and in general conformity with the following guidelines:

Cont'd...

SCHEDULE "B" to By-law #5783, Continued:

ROAD CLASSIFICATION: "COLLECTOR"

<u>ENTRANCE TYPE</u>	<u>URBAN LOCATIONS</u>	<u>RURAL LOCATIONS</u>
Type 1 - Residential/ Farm	An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property.)	An entrance will be granted to each residence, farm or vacant lot. (Maximum one residential entrance per property)
Type 2 - Commercial Industrial Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turning lanes may be required.	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turning lanes may be required.
Type 3 -Public Roads	Minimum spacing from another adjacent intersecting road shall be 125 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible.	Minimum spacing from another adjacent intersecting road shall be 200 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible.
Type 4 - Auxiliary/ Field	A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 15 metres from the present Type 1 entrance.	A second entrance will be granted to residential lots/farms where the second entrance can be spaced a minimum of 30 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 100 metres from any same side entrance.

ROAD CLASSIFICATION: 2-LANE ARTERIAL

<u>ENTRANCE TYPE</u>	<u>URBAN LOCATIONS</u>	<u>RURAL LOCATIONS</u>
Type 1 - Residential Farm	An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property).	A single entrance will be granted to each residence farm or vacant lot where an alternative of access to a local road or lower classification County / Suburban Road is not available. (Maximum one residential entrance per property)
Type 2 - Commercial, Industrial, Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turning lanes may be required.	A single entrance will be granted to each lot. A second entrance will be granted where the frontage exceeds 80 metres. Entrances must conform to County Standards and MTO Commercial Site Access Standards. Turning lanes may be required.

SCHEDULE "B" to By-law #5783, Continued:

ROAD CLASSIFICATION - 2-LANE ARTERIAL, Continued...

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 3 - Public Roads	Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turning lanes may be required.	Minimum spacing from another adjacent intersecting road shall be 250 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turning lanes may be required.
Type 4 - Auxiliary/ Field	A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 30 metres from the present Type 1 entrance.	A second entrance will be granted to a residential lot where the second entrance can be spaced a minimum of 75 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 150 metres from any same side entrance. A field entrance location 30 metres from a present Type 1 entrance will be granted where it will reduce farm vehicle use of the highway.

ROAD CLASSIFICATION - 4-LANE ARTERIAL

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 1 - Residential/ Farm	A single entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property)	A single entrance will be granted to each residence farm or vacant lot where an alternative of access to a local road or lower classification County/Sub-urban Road is not available. (Maximum one residential entrance per property)
Type 2 - Commercial, Industrial, Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turning lanes may be required.	A single entrance will be granted. A second entrance will be considered where the frontage exceeds 200 metres. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turning lanes may be required.
Type 3 - Public Roads	Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turning lanes may be required.	Minimum spacing from another adjacent intersecting road shall be 350 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turning lanes may be required.

SCHEDULE "B" to By-law #5783, Continued:

ROAD CLASSIFICATION - 4-LANE ARTERIAL (Continued)

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 4 - Auxiliary/Field	Second access points will not be granted to residences or vacant lots.	Second access will not be granted to residential, farm or vacant lots. A second entrance for field access will be considered when it can be spaced 200 metres from any present same side access.

NOTE: The ROAD CLASSIFICATION shall be in accordance with the classification established by the Middlesex County Official Plan as amended.

The definition of urban or rural areas shall be established by the Transportation and Emergency Services Department.

Refundable Deposit

A refundable deposit for the estimate cost of the construction of the entrance and no less than \$500.00 shall be collected prior to the issuance of the permit.

Permit Fee

A fee in the amount of \$200.00 is to be collected prior to issuance of the permit. The entrance permit shall also be the work permit.

Cancellation of Permit

Where the entrance has not been constructed and accepted by the County within one year of the date of the permit, then the permit shall be null and void.