

THE CORPORATION OF THE CITY OF KENORA

BY-LAW No. 47-2000

A BY-LAW TO REGULATE THE SIZE AND MODE OF CONSTRUCTION OF CULVERTS OVER DRAINS AND WATERCOURSES, AND TO REGULATE AND CONTROL THE CONSTRUCTION OF ENTRANCES TO PRIVATE PROPERTIES WITHIN THE MUNICIPALITY.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45 Section 207(17), provides authority for a Municipality to pass by-laws regulating the size and mode of construction of culverts that cross any drain or watercourse situated on a highway under the jurisdiction of the Municipality; and

WHEREAS it is considered necessary for the Municipal Corporation of the City of Kenora to maintain highways within the limits of the said city; and

WHEREAS it is therefore expedient to provide drains and ditches and culverts over drains and watercourses on Municipal Highways and to regulate the size and mode of construction of same; and

WHEREAS it is necessary that the Municipality has control over the construction of entrances from Municipal Highways to private properties regardless of the necessity to place culverts at said entrances;

NOW THEREFORE the Municipal Council of the Corporation of the City of Kenora Melick enacts as follows:

1. DEFINITIONS IN THIS BY-LAW:

- a. "Operations Committee" means a committee duly appointed by the Municipal Council of the Corporation of the City of Kenora.
- b. "Municipality" means the Municipal Corporation of the City of Kenora.
- c. "Municipal Engineer" means the Engineer appointed by Council of the Municipality.

- d. “Municipal Highway” means any highway, road, street, avenue or other right of way used by vehicular traffic that is maintained by the Municipality.
- e. “Zoning By-law” means the Comprehensive Zoning By-law of the Municipality.
- f. “Residential Property” means a private property used for a residential use pursuant to the Zoning By-law and does not include use for any commercial purpose.
- g. “Commercial Property” means a private property used for any commercial use pursuant to the Zoning By-law and includes accessory residential use.
- h. “Private Entrance” means the area joining a Residential Property to the traveled surface of a Municipal Highway for the purpose of vehicular access to the said property.
- i. “Commercial Entrance” means the area joining a Commercial Property to the traveled surface of a Municipal Highway for the purpose of vehicular access to the said property.
- j. “Provincial Standards” means the Ontario Provincial Standards found in the “Commercial Site Access Policy and Standards Design Manual” issued and maintained by the Ministry of Transportation Ontario.
- k. “Roads Supervisor” means the Roads supervisor appointed by the Council of the Municipality.

2. APPROVAL FOR CONSTRUCTION AND USE OF AN ENTRANCE:

No Commercial Entrance or Private Entrance on a Municipal Highway shall be constructed or used without the approval of the Roads Supervisor, or his designate.

3. APPLICATIONS AND PERMITS FOR AN ENTRANCE:

- a. An application to install or construct a Commercial Entrance or a Private Entrance shall be in the form of an application for Entrance Permit as shown in Schedule “A” to this By-law.

- b. A permit to install or construct a Commercial Entrance or a Private Entrance shall be in the form of an Entrance Permit as shown in Schedule “B” to this By-law.

4. FEES FOR APPLICATION:

Fees for application for entrance permits shall be as shown in Schedule “C” to this By-law.

5. REFUSAL TO PERMIT AN ENTRANCE:

An application to install or construct a Commercial Entrance or a Private Entrance on a Municipal Highway may be refused if in the opinion of the Roads Supervisor the location of such entrance would constitute a safety hazard for traffic or does not comply with the requirements of visibility as shown in Schedule “D” to this By-law.

6. CONSTRUCTION REQUIREMENTS FOR AN ENTRANCE:

- a. The location, placement, depth of cover, diameter and length of any required culvert pursuant to an application for a Private Entrance permit shall be at the discretion of the Roads Supervisor or his designate but shall be a minimum of 15 inches in diameter and 20 feet in length.
- b. The location, placement, depth of cover, diameter and length of any required culvert and/or any required grading or ramps or pavement work pursuant to an application for a Commercial Entrance permit shall be as required by the Roads Supervisor or his designate in conformance with Provincial Standards.
- c. All culverts installed for a Residential Entrance or a Commercial Entrance shall be of new galvanized corrugated steel.

7. APPEAL OF CONSTRUCTION REQUIREMENTS:

In the event an applicant disputes the location, placement, depth of cover, diameter or length of any culvert, grading, ramps or pavement work required by the Roads Supervisor, appeal may be made to the Operations Committee (Attention: Operations Manager) whose decision shall be final.

8. ASSUMPTION FOR MAINTENANCE:

Only one Residential Entrance or Commercial Entrance will be assumed for maintenance by the Municipality on any one separately registered property.

9. SECOND OR SUBSEQUENT ENTRANCES:

A second or subsequent Residential Entrance or Commercial Entrance shall also require approval in like manner to a first entrance on any one separately registered property.

10. MAINTENANCE OF SECOND OR SUBSEQUENT ENTRANCES:

a. The cost of maintenance or culvert replacement for a second or subsequent Residential Entrance or Commercial Entrance on a Municipal Highway as recorded by the Roads Supervisor shall be the responsibility of the owner of the property so accessed.

b. In the event that the Operations Committee deems it expedient to maintain, repair or replace a second or subsequent Residential Entrance or Commercial Entrance on a Municipal Highway the costs of such work shall be charged to the property owner and recoverable in a like manner as Municipal taxes.

11. OFFENCES:

Every person who installs, erects or maintains a Residential Entrance or a Commercial Entrance on a Municipal Highway in any manner which breaches or causes or permits the provisions of this By-law to be violated shall be guilty of an offence and upon conviction thereof shall be liable for a penalty as stipulated under the Municipal Act, R.S.O. 1990. c.m. 45.

12. CONTINUED USE OF EXISTING ENTRANCES:

a. The use of a Residential Entrance or Commercial Entrance on a Municipal Highway installed or constructed and rightfully in use prior to the passing of this By-law and which does not otherwise meet the provisions of this By-law is permitted.

b. Any entrance permitted by the Ministry of Transportation Ontario on a Provincial Highway which is now under the control of the Municipality as a Municipal Highway is hereby assumed as though it had been permitted by this By-law.

13. EXEMPTION:

The Municipality and its agents are exempt from the requirement to apply for permits and pay fees for any entrance onto property that is owned and operated by the Municipality.

14. REPEAL:

By-law number L12/97 is hereby repealed.

15. EFFECTIVE DATE:

This by-law shall come into force and take effect on the final passing thereof.

BY-LAW READ FOR A FIRST & SECOND TIME THIS 13TH DAY OF MARCH, 2000.

BY-LAW ROAD FOR A THIRD & FINAL TIME THIS 13TH DAY OF MARCH, 2000.

THE CORPORATION OF THE CITY OF KENORA

Per.....MAYOR

Per.....CLERK

SCHEDULE "C" TO BY-LAW Number 47-2000

Fees for an "Application for Entrance Permit"

- | | | |
|----|---|----------|
| 1. | Private Entrances in R.1; R.2; R.3; R.R. and R.U. Zones | \$75.00 |
| 2. | Commercial Entrances serving C.T; C.H; C.L. and I Zones | \$150.00 |
| 3. | Commercial Entrances serving M.L; M.H. and M.X. Zones | \$240.00 |

Schedule "D" to By-law Number 47-2000

Visibility Requirements for Entrances

<u>Posted Speed</u> km/h	<u>Design Speed</u> km/h	<u>Sight Distance</u> metres / feet	<u>Curve Radius</u> metres radius	<u>Road Grade</u> % grade
40	60	140 / 465	300 or more	6% or less
50	70	160 / 530	300 or more	6% or less
60	80	180 / 600	600 or more	5% or less
70	90	200 / 660	600 or more	5% or less
80	100	230 / 760	1,200 or more	4% or less
90	110	250 / 825	1,200 or more	4% or less
100	120	270 / 890	1,200 or more	4% or less

The safety requirements are based upon the Design Speed. The Posted Speed is normally 20 km/h below the Design Speed. However, in certain circumstances such as rugged terrain, the difference may be less and the Posted Speed may be the same as the Design Speed.