

THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NUMBER 2021-0025

A By-law to regulate driveways and entranceways

WHEREAS section 9 of the Municipal Act, 2001, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act, 2001; and

WHEREAS section 8(1) of the Municipal Act, 2001 provides that a municipality’s powers are to be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS section 391(1)(c) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees and charges on any class of persons for the use of its property including property under its control; and

WHEREAS section 446(1) of the Municipal Act, 2001 provides that a municipality may proceed to do things at a person’s expense, which that person is otherwise required to do under a by-law or otherwise has failed to do; and

WHEREAS section 446(3) of the Municipal Act, 2001 provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting it in the same manner as taxes;

NOW THEREFORE, The Council of The Corporation of The Town of Greater Napanee enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known and may be cited as the “Driveway Entrance By-Law”.

2. DEFINITIONS

2.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply:

“**Agent**” means a person authorized in writing by the owner to act on their behalf to obtain a driveway permit;

“Commercial Entranceway” means an opening onto a Town highway from commercial businesses, such as gas stations, motels, drive ins, car washes, shopping centres, grocery stores, apartment houses, multifamily dwellings, industrial developments, or non-commercial traffic generators, such as community halls, recreational complexes, religious institutions and schools.

“Council” means the Council of The Corporation of the Town of Greater Napanee;

“Curb cut” means where a curb requires a cut to accommodate a driveway or a driveway widening;

“Curb line” means:

- a) where a curb has been constructed, the line of the curb; or
- b) where no curb has been constructed, the edge of the roadway;

“Director” means the Director of Public Works and Facilities, or departmental staff members having the authority.

“Driveway” means a single passageway or series of interconnected passageways, for exclusive or shared private use, providing vehicular access between a highway or common element roadway and an area used for the parking, loading or storage of a vehicle;

“Driveway Surface Area” means the total hardscape area, which includes walkways, interlocking stone, aisles attached to parking surface;

“Driveway Permit” means a permit issued by the Director(s) of Public Works and Facilities, or departmental staff members having the authority. pursuant to the provisions of this by-law;

“Farm Entranceway” means an entrance opening onto a Town highway from a farm, primarily for access to barns and buildings. A farm is defined as a holding of arable land of more than 4.1 hectares;

“Field Entranceway” means an opening onto a Town highway from a field forming part of a farm. It shall be used only for the passage of animals, crops and other agricultural purposes, but not for access to buildings of any type;

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof and is under the jurisdiction of the Town;

“Municipal Law Enforcement Officer” means any person authorized by Town by-law to enforce the Town’s by-laws;

“Owner” means:

- a) the registered owner of a private property;
- b) the registered owner of a condominium unit;
- c) any agent of an owner;
- d) any tenant of an owner;

“Private Property” means real property owned by persons, other than property owned by The Corporation of the Town of Greater Napanee, and includes real property owned by individuals, local boards, corporations and public authorities;

“Public Entranceway” means an entrance opening onto a Town highway from a public road, street or highway, or other thoroughfare maintained by the municipality or other authority;

“Residential Entranceway” means an entrance opening onto a Town highway from a private residence;

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice;

“Sight Distance” means the length of roadway ahead visible to the driver for safe and efficient operation of a vehicle;

“Town” means The Corporation of the Town of Greater Napanee.

3. GENERAL PROVISIONS

- 3.1 No person shall construct, alter, or use any private road, entranceway structure, or facility, as a means of access onto a Town Highway, except in accordance with an entrance permit obtained from the Office of the Director with approval;
- 3.2 All applications shall be evaluated in terms of safety and maintenance requirements of the Town highways system (i.e. Stopping sight distance, entrance spacing, drainage, snow clearance, ground topography and slope);
- 3.3 Should any person obtaining a permit neglect or refuse to comply with any of the provisions of the By-law, The Corporation of the Town of Greater Napanee shall remove the entrance and install a proper entrance and any expense incurred in doing so shall be recovered from the owner;

- 3.4 Any person constructing or altering any private or public road or any other type of entranceway, which provides access onto a Town highway, without first obtaining a permit from the Office of the Director, shall be liable to a fine, upon conviction, pursuant to the Provincial Offences Act;
- 3.5 Entranceways shall be constructed by the applicants at their costs, or by the Town who would submit an invoice to the applicants for work completed.

4. PERMIT PROCEDURES

- 4.1 All permits shall be issued by the Town's Infrastructure Services Department.
- 4.2 A public entranceway onto a Town Highway, must obtain a permit from the Office of the Director before construction commences on the entranceway or any related work within the limits of the right-of-way of a Town highway.
- 4.3 A commercial entranceway from a Town Highway shall be subject to the approval of the Office of the Director and must be constructed in accordance with the "commercial site access standards" as set out by Towns Zoning Bylaw and the Ministry of Transportation OPSS.
- 4.4 Applications for commercial and public entranceways must be accompanied by plans or drawings of proposed entranceways and drainage plans.
- 4.5 If an entranceway has not been approved, or if it is altered or used contrary to the conditions under which it was approved, the Town may remove or alter the said entranceway at the property owner's expense.
- 4.6 If an entranceway is to be changed or altered from its original use, (i.e. residential to commercial) a permit shall be required, and the installation must comply with the specifications set out in this By-law.
- 4.7 Preconstruction inspection to be completed to determine site specific OPSS drawing. Director will provide site specific OPSS drawing on approved entrance.
- 4.8 Site inspections for entranceway applications are to be carried out by the Town's Infrastructure Services Department. Infrastructure Services is to complete post inspection to ensure site specific OPSS drawing requirements have been implemented in accordance with the approved entrance application to close permit file.

4.9 Technical Specifications in Accordance with Ontario (OPSS) Design
Entranceways shall meet all the minimum requirements listed below:

- (i) A commercial entranceway shall not be permitted within 30.5 metres of the intersection of a Town highway and a public entranceway unless otherwise approved by Director.
- (ii) An entranceway shall not be permitted to cross over daylight triangle.
- (iii) Driveway Entrances will adhere to Zoning Bylaw #02-22 Section 4.27d) - "Driveways from neighbouring property lines."
- (iv) The minimum width of an entranceway, where a culvert is required, shall be 4.9 metres measured at the culvert centre.
- (v) Where culverts are required, only new, OPSS approved pipe culverts, having a minimum length of 9 metres, shall be installed;
- (vi) Each entranceway onto a Town highway shall be designed, constructed, and maintained in a manner that will prevent surface water, from the entranceway or from the adjoining property, being discharged via the entranceway onto the travelled portion of the Town highway;
- (vii) Where a culvert exceeding 15.2 metres in length is required, the applicant shall be required to construct a catch basin and access grate in accordance with O.P.S.D. Division 700 and O.P.S.D. Division 400, or other design as approved by the Director, to facilitate drainage from along the side of the road;
- (viii) The maximum width of a residential entranceway measured perpendicular to the centreline of the entranceway shall be 9.1 metres. The maximum width of a commercial entranceway measured perpendicular to the centreline of the entranceway shall be 15.1 metres.
- (ix) The centreline of an entranceway shall meet the projected centreline of the roadway at an angle of 90 degrees. Where written permission has been granted by the Director, the angle may vary up to 20 degrees off of 90 degrees.

5. MINIMUM SIGHT DISTANCE

A commercial entranceway shall meet all the following requirements listed below;

- a) Where speed limit is 80km/hr or more:
- minimum sight distance of Table One is obtained,
 - horizontal curve is 1,200 m radius or less,
 - highway grade is 4 per cent or less.
- b) Where speed limit is less than 80 km/hr;
- minimum sight distance of Table Two is obtained,
 - horizontal curve is 300 m radius or less,
 - highway grade is 6 per cent or less.

**TABLE ONE
MINIMUM SIGHT DISTANCE**

Commercial Speed Limit (km)	Table 1. Sight Line OPSS Sight Distance (m)
50	120
60	140
70	160
80	180
90	200
100	230

- (i) Residential, farm and field entranceways are the basic entrances and all existing properties shall be entitled to one basic access regardless of visibility constraints. The minimum sight distances shall be as per Table Two.

**TABLE TWO
MINIMUM SIGHT DISTANCE**

Residential Speed Limit (km)	Table 2. Sight Line OPSS Sight Distance (m)
40	46
50	61
60	75
70	91
80	107

- (ii) The maximum grade for an entrance onto a Town highway shall be 6% for a rural residential entrance and 10% for a rural farm or field

entrance. The maximum grade for an urban residential entrance, the elevation of which rises above or falls below the centreline elevation of the road shall be 10% and 8%, respectively. Grades for commercial entrances onto Town Highways shall be in accordance with the OPSS as amended.

- (iii) Public entrances are to be constructed in accordance with O.P.S.D. Division 300 as amended.
- (iv) An entrance adjacent to a bridge or other structure which may interfere with the clear vision of traffic using the entrance must be located as follows:
 - a) A commercial entrance in an area where the speed limit is 80 km/hr or more must be located at least 150 metres from the end of the deck of the bridge or from the nearest part of the structure which actually interferes with the clear vision of traffic using that entrance.
 - b) A residential entrance in an area where the speed limit is 80 km/hr or more must be located at least 30 metres from the end of the deck of the bridge or from the nearest part of the structure which actually interferes with the clear vision of traffic using that entrance.
- (v) In areas where the speed limit is less than 80 km/hr, the Director may restrict the location of an entrance to that distance from the bridge or other structure which he deems advisable.
- (vi) Hard Landscape features, concrete/stone structures, pillars, headwalls of any type or any obstruction, which can cause abrupt stoppage to vehicular impact or impede road maintenance operations and snow storage, shall not be allowed on Town highway road allowances adjacent to driveways.

6. INSTALLATION SPECIFICATION FOR CULVERT ENTRANCEWAYS

- 6.1 The applicant shall supply all equipment, labour and materials.
- 6.2 No applicant shall deposit any debris from entrance work onto municipal easement. The applicant shall clean up all debris at their expense.
- 6.3 New OPSS approved pipe culvert placed in entranceways shall have a minimum opening of 0.164 sq. metres. However, culverts diameters will be required to convey design flows of local catchment area.
- 6.4 The bottom of pipe shall be set 75 millimetres below ditch elevation.
- 6.5 The depth of ditch shall determine additional length of pipe, if required.
- 6.6 The driveable surface of a residential entranceway shall be 4.9 metres minimum. The driveable surface of a commercial entranceway shall be 9.0 metres minimum.
- 6.7 A minimum of 150 millimetres of granular "A" shall be placed from the shoulder edge to the property line and around the outside perimeter of the pipe.
- 6.8 The asphalt pavement, compacted to a minimum thickness of 50 millimetres, shall be placed from the pavement edge to a minimum of 4 millimetres or to the property line, whichever is greater to the roadway pavement for all commercial entrances.
- 6.9 The entranceway fill materials should be placed on a 3:1 slope, for ease of maintenance and reduction of abrupt stopping.
- 6.10 Rip rap, as defined in OPSS 511, shall be placed, where necessary, to prevent erosion of fill materials placed in entranceways and reduce velocities.
- 6.11 Catch basins are required for culverts of greater than 14.07 metres length and will try to be avoided to minimize infrastructure and maintenance costing.
- 6.12 Culvert sizes will be calculated based on localized catchment area and potential water volumes feeding through the culvert. Determined by Infrastructure Services.

7. TOWN HIGHWAY RECONSTRUCTION

7.1 Where an existing entranceway is affected by the reconstruction of a Town highway, the Town shall reinstate, at the Town's cost, the affected entranceway(s). The reinstatement and improvement shall conform to this policy. Any original materials of construction salvaged, shall remain the property of the Town.

8. MAINTENANCE

8.1 The Town shall maintain only that portion of the entranceway that lies within the shoulder width of the roadway. The remaining length shall be maintained by the property owner at his/her expense. The Town shall maintain the drainage through the culvert of any entranceway.

9. REPLACEMENT OF EXISTING CULVERTS

9.1 Any existing entranceway with culvert pipe that has deteriorated, collapsed, or is otherwise unsuitable for proper drainage, shall be replaced by the Town, at the Town's expense and shall conform to this policy.

10. ENFORCEMENT

10.1 A Municipal Law Enforcement Officer or other person authorized to enforce the *Provincial Offences Act*, is hereby vested with the authority of administering and enforcing the provisions of this by-law.

10.2 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

10.3 Where the Town has performed the work required to bring the lands into compliance with this by-law, the expenses incurred in doing the work may be collected by action or the costs may be added to the tax roll for the lands and collected in the same manner as taxes.

10.4 The Entrance Permit application and fees may be amended from time to time without amendment to this By-law.

11. SEVERABILITY

11.1 If any clause(s) of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such clause(s) or parts thereof shall be deemed to be severable and all other clauses or parts of this by-law shall be deemed to be separate and independent therefrom and enacted as such.

12. DATE OF ENACTMENT

That this by-law shall come into force and take effect on the date it is finally passed.

Read a first and second time and finally passed this day of , 2021.

Marg Isbester, Mayor

Clerk

By-law No. 2021-00xx Schedule "A" - Application for Entrance Permit



Road Entrance Permit
Infrastructure Services
Public Works Department
45 Commercial Court,
Napanee, ON K7R 4A2
613.776.1152

General Entrance Permit Requirements

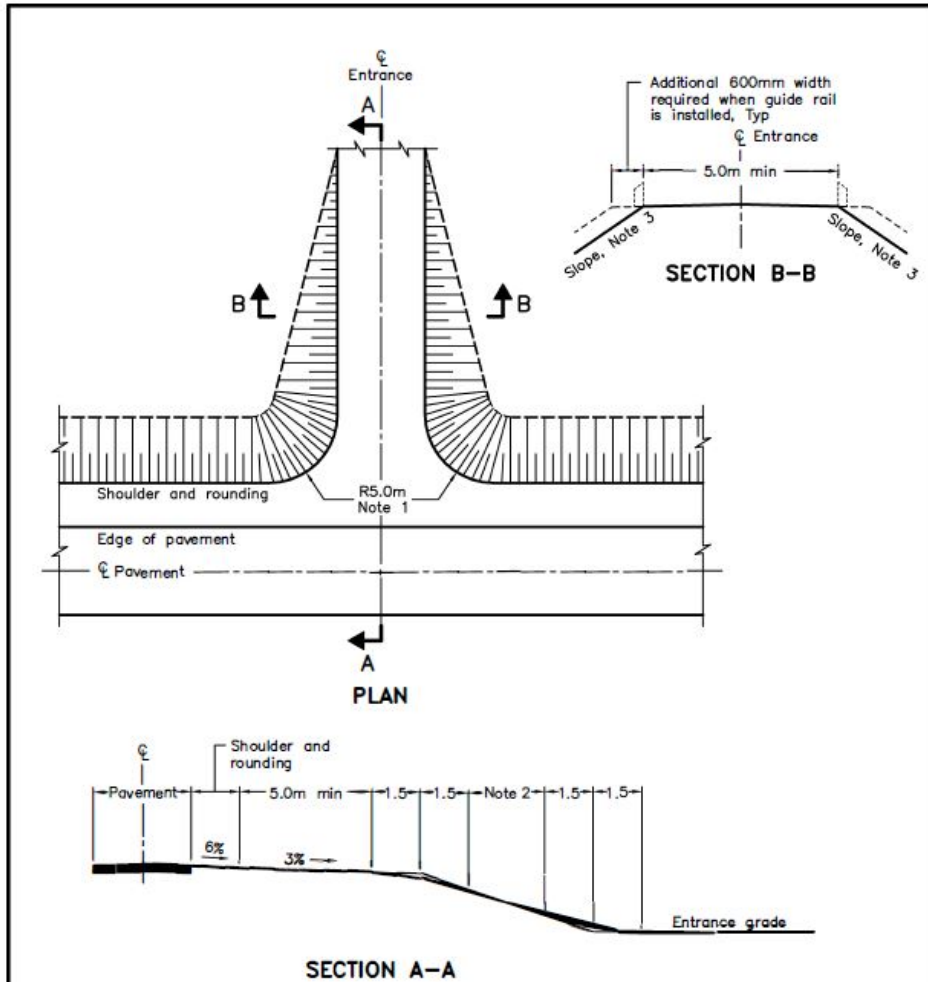
1. Minimum length of new residential entrance culvert to be 9.0 metres.
2. Maximum width of a residential entranceway measured perpendicular to the centreline of the entranceway shall be 9.1 metres.
3. Maximum width of a commercial entranceway measured perpendicular to the centreline of the entranceway shall be 15.1 metres.
4. Minimum depth of 150 millimeters of granular "A" to be placed from the shoulder edge to the property line and around the outside perimeter of the pipe.
5. The bottom of pipe to be set 75 millimeters below ditch elevation.
6. New OPSS approved pipe culvert placed in entranceways must have a minimum opening of 0.164 square metres.
7. Asphalt pavement for residential entrances to be compacted to a minimum thickness of 50 millimetres.
8. Asphalt pavement for commercial entrances to be placed from the pavement edge to a minimum of 4 metres to the property line, whichever is greater to the roadway pavement.
9. Entranceway fill materials should be placed on a 3:1 slope. Concrete pavements, concrete structures, pillars, or headwalls of any type shall not be allowed on the Town road allowance.
10. Centreline of entranceway to meet the projected centreline of the roadway at an angle of 90 degrees.

Maximum entrance grade from Town highway to 6% for a rural residential; 10% for a rural farm or field entrance.

Maximum entrance grade for an urban residential entrance, the elevation of which rises above or falls below the centreline elevation of the road shall be 10% and 8%, respectively.

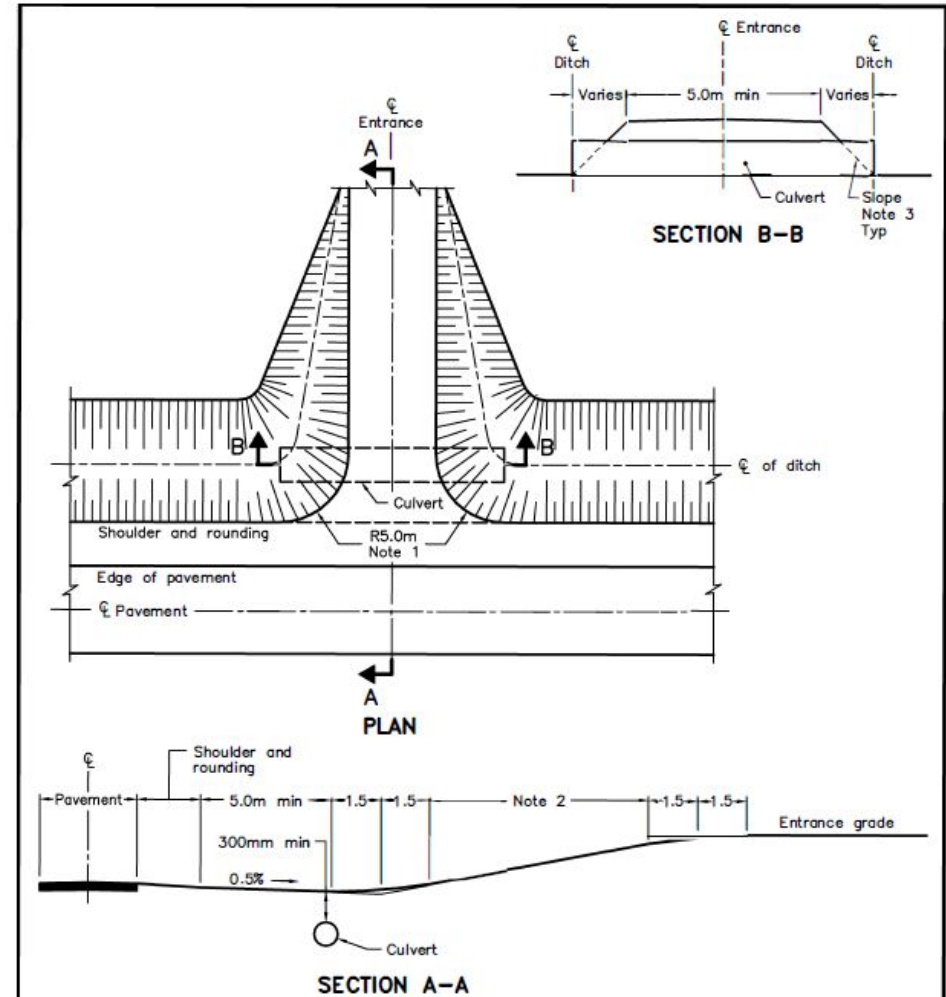
Grades for commercial entrances onto Town Highways must be in accordance with the OPSS as amended.

Entranceways to be constructed by applicants at their cost.



NOTES:

- 1 Radius shall be 8.0m when entrance is used for farm equipment.
 - 2 Maximum gradient: 6% for residential entrances and 10% for farm and field entrances.
 - 3 Slope shall be 3H:1V or flatter when specified.
- A All dimensions are in metres unless otherwise shown.



NOTES:

- 1 Radius shall be 8.0m when entrance is used for farm equipment.
 - 2 Maximum gradient: 6% for residential entrances and 10% for farm and field entrances.
 - 3 Slope shall be 3H:1V or flatter when specified.
- A All dimensions are in metres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2010	Rev 2	
RURAL ENTRANCES TO ROADS ON FILL			
OPSD 301.010			

ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2010	Rev 2	
RURAL ENTRANCES TO ROADS IN EARTH CUT			
OPSD 301.020			

Application for Driveway Entrance Permit

Note: Work must not begin until this application has been approved.

Entrance Permit Fee: \$225.00 _____	Date Paid: _____
Application Number: _____	
Proposed Work: <input type="checkbox"/> New Driveway <input type="checkbox"/> Replacement of Existing Driveway <input type="checkbox"/> Other _____ _____ Total Number of Driveways	
Type of Approach: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Agriculture <input type="checkbox"/> Secondary Access _____ Site Plan Control Number (If applicable)	
New Curb Cut: <input type="checkbox"/> Yes <input type="checkbox"/> No Width Requested: _____	
Culvert/Ditch Fill: <input type="checkbox"/> Yes <input type="checkbox"/> No Proposed Size: _____	
Diameter of Adjacent Culvert: Size Upstream: _____ Size Downstream: _____	
Do you have a minimum of 1.2 metres from your proposed culvert edge to your property line? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Confidential Information</u>	
Name of Applicant: <input type="checkbox"/> Same as Owner _____ Home Number: _____ Cell Number: _____ Work Number: _____ Email: _____ Address: _____ _____ Postal Code: _____	Name of Owner/Agent (as shown on Deed): _____ Home Number: _____ Cell Number: _____ Work Number: _____ Email: _____ Address: _____ _____ Postal Code: _____

The Corporation of the Town of Greater Napanee
Part 1 Provincial Offences Act
By-law No. 2021-00xx: To Regulate Driveways and Entrances
Schedule “B”

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Construct entrance without a permit	Section 3.1	\$500
2.	Use any entrance without a permit	Section 3.1	\$500
3.	Install entrance not as per issued permit	Section 3.3	\$500
4.	Alter entrance without a permit	Section 3.4	\$500
5.	Install more than one entrance without permit	Section 3.4	\$500
6.	Install entrance closer than 3 metres from property line	Section 4.9(iii)	\$500
7.	Install residential entrance wider than 9 metres	Section 4.9 (viii)	\$500
8.	Install commercial entrance wider than 15 metres	Section 4.9 (viii)	\$500
9.	Install obstructions that may cause abrupt stoppage to vehicle upon impact	Section 5 (vi)	\$500
10.	Fail to remove debris from Town highway	Section 6.2	\$500
11.	Fail to maintain entrance	Section 8.1	\$500
12.	Fail to abide by issued order	Section 10.2	\$1,000

Note: The general penalty provision for the offences listed above is Section 10.2 of By-law No. 2021-00xx, a certified copy of which has been filed.