

The Corporation of North Algona Wilberforce Township

Bylaw 2024-21

**A Bylaw to Regulate the Location, Construction and Use of Entrances
on to Municipal Roads for North Algona Wilberforce Township**

Whereas the *Municipal Act*, S. O. 2001, Chapter 25, Section 8, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

And Whereas the *Municipal Act*, S. O. 2001, Chapter 25, Section 11 provides that a municipality may pass bylaws respecting drainage and flood control;

And Whereas the *Municipal Act*, S. O. 2001, Chapter 25, Section 27 (1) provides that a municipality may pass bylaws in respect of a highway over which it has jurisdiction;

And Whereas the *Municipal Act*, S. O. 2001, Chapter 25, Section 96 provides that a municipality may exercise its powers for the purpose of preventing damage to property as a result of flooding;

And Whereas it is deemed expedient to provide for the regulation of the size and mode of construction of culverts that cross any drain or watercourse situated on a highway;

And Whereas the Council of the Corporation of North Algona Wilberforce Township deems it necessary to regulate the location, construction, and use of entrances on Municipal Roads;

And Whereas for the purpose of this bylaw, Municipality or municipal shall be deemed to identify the Corporation of North Algona Wilberforce Township.

Now Therefore, The Council of The Corporation of North Algona Wilberforce Township Enacts As Follows:

1. That an "entrance" for the purpose of this bylaw is any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means of access from private property to a Municipal Road under the jurisdiction of North Algona Wilberforce Township and includes the tiling and covering or filling in or a roadside ditch for the purpose of improving a lawn or other frontage. For the purpose of this bylaw, the definition of an entrance for logging, agricultural and/or aggregate purposes and is one that is used occasionally, on an annual basis, exclusively for logging, agriculture, or aggregate extraction.

2. That a "Municipal Road" for the purpose of this bylaw shall mean a common and public highway or road in North Algona Wilberforce Township that is maintained by the North Algona Wilberforce Township.
3. That no person shall construct, alter, or use any private road, entrance way structure, or facility, as a means of access on to a Municipal Road without first obtaining an entrance permit from North Algona Wilberforce Township, which application form is available at www.nalgonawil.com.
4. That the construction of every entrance shall be carried out under the direction or supervision of the Public Works Superintendent or designate.
5. That notwithstanding the provisions of Section 1 of this bylaw, all existing entrances and laneways that have been established for agricultural, logging or aggregate purposes, cannot be converted to residential or commercial use unless the applicant first complies with all Sections of this bylaw and in particular with Section 3, 7 and 8 of this bylaw.
6. That every entrance shall require a new CSA approved culvert, minimum 400 millimetres (15.75 inches) in width by 12 metres (39.37 feet) in length or one of sufficient size to accommodate the flow of water, unless it is determined by the Public Works Superintendent, or designate, that a culvert is not required.
7. That the location of the entrance shall first be approved by the Public Works Superintendent, or designate, to ensure maximum safety, visibility, and to minimize the possibility of interference with trees along the road or the creation of a maintenance problem. The minimum sight distance shall be satisfied in both directions.
8. That sightlines for every entrance shall be based on a measurement of 1.4 metre (4.59 feet) (vertical) from the ground or at the discretion of the Public Works Superintendent or designate. The following horizontal sightline distances shall be by road classification:

Non-Residential	Distance	Residential	Distance	Commercial	Distance
Class 6	60.96 m (200 feet)	Class 6	68.58 m (225 feet)	n/a	76.2 m (250 feet)
Class 5	68.58 m (225 feet)	Class 5	76.2 m (250 feet)	Class 5	91.44 m (300 feet)
Class 4	76.2m (250 feet)	Class 4	83.82 m (275 feet)	Class 4	106.68 m (350 feet)
Class 3	106.68 m (350 feet)	Class 3	121.92 (400 feet)	Class 3	137.16 m (450 feet)

- 9. That** every applicant shall obtain an entrance permit; the administration fee being the fee established from year to year in the Municipal Fees Bylaw. Said entrance permit fee shall be paid for at the municipal office prior to the issuance of the permit. The entrance permit fee is non-refundable, subject to the discretion of the Public Works Superintendent. If the entrance is not completed within one year of the date of the application, the permit shall be revoked, and the roadway restored at the expense of the applicant. Upon completion of the entrance and upon final approval of the Public Works Superintendent, or designate, the applicant may request, in writing, a refund of the sum of \$100.00.
- 10. That** every person that applies for a new entrance shall also apply for an Emergency Response (E-9-1-1) number at the cost of \$150.00. This fee is non-refundable.
- 11. That** the responsibility and the cost of constructing every entrance shall be borne by the owner(s)/applicant(s).
- 12. That** no concrete structures are permitted on the road allowance as part of any entrance. The Public Works Department and/or the North Algona Wilberforce Township shall not be responsible for replacing any structures connected with the entrance or culvert.
- 13. That** any maintenance of the driving surface of every entrance shall be the responsibility of the owner(s), (potholes, culverts, gravel, etc.) and maintaining negative cross-fall to the centre of the culvert line to a minimum of TWO (2%) per cent.
- 14. That** where a Municipal Road intersects with another highway and the Municipal Road is not the through road, no entrance will be permitted at a distance of less than 30 metres (98.42 feet) from the through highway and must comply with regulations as set out by the authority having jurisdiction over the other highway.
- 15. That** each assessed parcel abutting a Municipal Road shall be entitled to one (1) entrance. A second entrance onto a Municipal Road shall be permitted for a second dwelling on a residential parcel, subject to the discretion of the Public Works Superintendent or designate, provided such entrance complies with the requirements of this bylaw, and with the requirement of any other bylaw or legislation, or if it is an auxiliary/field entrance used solely for agricultural subject to the discretion of the Public Works Superintendent or designate.
- 16. That** notwithstanding Section 15 hereof, any Commercial, Institutional or Industrial Zone may have a maximum of Two (2) entrances per parcel with the minimum spacing of 30 metres between entrances subject to the discretion of the Public Works Superintendent or designate.

17. That no new entrance permits shall be given to existing lots of record which currently have an approved access whether shared or otherwise onto a Municipal Road without the express approval of the Public Works Superintendent.

18. That any person who contravenes the provisions of this bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than \$250.00 and not more than \$500.00, exclusive of costs, and the North Algona Wilberforce Township may remove the entrance at the expense of the owner(s).

19. That nothing in this bylaw shall prevent the use of any entrance that was legally in existence prior to the passage of this bylaw, providing the use has continued for that purpose.

20. That any former Bylaws pertaining to this matter including Bylaw 2003-02 are hereby repealed.

21. Coming Into Force this Bylaw shall come into full force and effect on the date of passage.

Enacted and Passed in Council this 2nd day of April, 2024.


James Brose, Mayor


Holly Hayes, Acting Clerk-Treasurer