

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW 2011-37

A By-law to amend By-law 2005-12, being a By-law to regulate the construction or alteration of any entranceways, private roads or access to Township Roads, and to set out grader rental policy

WHEREAS Section 35 of the Municipal Act, 2001 S.O. 2001, c.35 permits a municipality to pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS the Council of the Corporation of the Township of Horton deems it necessary and desirable to regulate the construction and alteration of entranceways, private roads, or other facilities that permit access to Township Roads and to provide for the issuing of permits related thereto;

NOW THEREFORE the Council of the Corporation of the Township of Horton **ENACTS AS FOLLOWS:**

APPLICATION PROCESS

- All requests for new entrances or alterations to existing entrances shall be forwarded to the Township Public Works Department. These will be reviewed for general compliance and may include a site meeting with the applicant to review conditions in the field. Once the entrance permit has been reviewed and approved an entrance permit will be issued.

PERMIT FEE

- The permit fee will be set out on the entrance permit application Schedule "A" attached to this by-law. This fee will be subject to the review and revision by Township Council as they deem appropriate. The deposit fee indicated on the entrance permit will be retained until the entrance upon completion has been inspected by the Public Works Department. The applicant shall be responsible to notify the Township at which time the work has been completed. If the entrance does not receive approval shall either correct the issues to the approval of Public Works Department or forfeit the deposit amount which will be used to bring the entrance to an acceptable standard. If the deposit amount is not sufficient to correct the issues the, it will be used to remove the unapproved entrance.

MAINTENANCE OF ENTRANCES

- Property owners having access to a Township road are fully responsible for the maintenance of the access including the removal of snow and ice, keeping the portion of the access open for vehicular traffic and replace when necessary. A culvert pipe installed under the terms of the access shall be the property of the property owner upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc. shall be the responsibility of the property owner. The Municipality will rectify problems beyond the control of the landowner including but not limited to:

- Winter road maintenance restricting flow in the spring is cleaned out.
- Lack of maintenance of existing ditches causing flow to be restricted and sitting water resulting in heaving action.
- Damage to the culvert itself by Municipal maintenance or construction.
- Altering or constructing ditches resulting in culvert elevations needing to be adjusted or culverts installed where previously not required.

These issues will be determined in the field on an individual basis by the Municipality.

OTHER PROVISIONS

6. By-law 2005-12 shall be repealed in its entirety.

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

Read a First and Second Time this 6th day of December, 2011.

Read a Third Time and Passed this 6th day of December, 2011.

MAYOR

CAO/CLERK