



**THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**  
**By-law No. 44-2012**

Being a by-law of the Corporation of the Municipality of Morris-Turnberry to regulate the construction or alteration of any entranceways, private roads or access to a municipal road.

**WHEREAS** under Section 27(1) of the Municipal Act, 2001, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

**WHEREAS**, it is deemed necessary and desirable to regulate the construction and alteration of entranceways, private roads on other facilities that permit access to municipal roads.

**WHEREAS**, Subsection 1 of Section 63 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, Chapter 50 and amendments thereto provides that a municipality may, with respect to the roads under its jurisdiction and control, by by-law prohibit or regulate the construction or alteration of any private road, entranceway, gate or other structure or facility that permits access to a road; and any change in use of any private road, entranceway, gate or other structure or facility that permits access to a road;

**AND WHEREAS**, Subsection 2 of Section 63 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, Chapter 50 and amendments thereto provides that a by-law passed for this purpose may provide for the issuance of a permit for any of the Acts that may be regulated under this section and may prescribe the form, terms and conditions of the permit and the fees to be paid for it, and may prescribe penalties for contravention of the by-law;

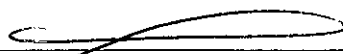
**AND WHEREAS**, The Council of the Corporation of the Municipality of Morris-Turnberry deems it expedient to control entranceways onto municipal roads and provide for the issuing of permits related thereto;

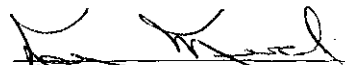
**NOW THEREFORE**, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. THAT in this By-Law:
  - (a) “Council” shall mean the Council of the Corporation of the Municipality of Morris-Turnberry;

- (b) "Municipal road" shall mean all roads included in the Municipality of Morris-Turnberry road system.
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 municipal 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, entranceway, gate or other structure or facility that permits access to any municipal road, unless such access has been approved by an authorized officer as evidenced by the issuance of an access permit.
  4. THAT an access permit may be issued by the municipal Director of Public Works in accordance with the standards, policies and fees set out in Schedule "B" of this By-law.
  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 access permit issued hereunder.
  6. THAT all costs associated with an access permit and construction of the entrance access in accordance with the terms of the permit will be the responsibility of the applicant.
  7. THAT the access 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 \$500.00 for a first offence and \$1,000.00 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 Director of Public Works be authorized to remove any unauthorized access from the Road Allowance.
  10. THAT this by-law shall come into force and take effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
this 19<sup>th</sup> day of June, 2012

  
\_\_\_\_\_  
Mayor, Paul Gowing

  
\_\_\_\_\_  
Clerk, Nancy Michie

## **SCHEDULE “B”**

**To BY-LAW NO. 44-2012**

### **MUNICIPALITY OF MORRIS-TURNBERRY**

#### **ENTRANCE POLICIES**

The Municipal Roads Department shall consider the following criteria when reviewing all applications for new entrances or alterations to entrance:

- (a) Protection of the public through the orderly control of traffic movements onto and from Municipal roads.
- (b) Maintenance of the traffic carrying capacity of the Municipal road network.
- (c) Protection of the public investment in Municipal road facilities
- (d) Minimizing Municipal expenditures on maintenance of private entrance ways.
- (e) Providing legal access onto Municipal roads from adjacent private property.

#### **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 Entrance:** provides access to a development where goods are manufactured or sold to the public 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.

## 1. Location of Accesses

The Municipality may restrict the placement of an access onto the Municipal 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 Municipal 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 intersection.
- (c) within daylight triangles at intersections.
- (d) where the following minimum sight distance requirements are not met.

## 2. Speed Limit

## Minimum Sight Distance

40 km/hr	70 metres
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.

## 3. 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”) pit run gravel (Gran. “B”), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to entrance width of 6.0 metres.

**Farm or Residential Entrance:** Shall be surface with at least 150 mm (6”) crushed gravel (Gran.”A”), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to an entrance width of 6.0 metres.

**Commercial/Industrial Entrance:** Shall be surfaced with hot-mix asphalt and 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.

**Curbs and/or Headwalls:** No curb or headwall can extend above the surface of the roadway shoulder within the limits of the shoulder and its rounding. All curbs and headwalls are constructed at the sole expense and risk of the applicant.

**Maintenance of Entrances:** Property owners having access to a Municipal 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 installed under the terms of the access permit shall become the property of the Municipality upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc. shall be the responsibility of the Municipality except where the culvert crosses a municipal drain in which case the maintenance will be the responsibility of the Municipality 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 Public Works or altered in accordance with the Director of Public Works' 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 Public Works' requirements. If there is no sidewalk, the entrance is to be paved a distance of 2 metres behind the curb.

**4. Number and Width of Accesses:**

- (a) It will be the policy of the Municipal Roads Department to limit the width of accesses to discourage the construction of entrances wider than required for the safe and reasonable use of the entrance.
- (b) Limit the number of accesses to a property and in general conformity with the following:

Residences	- one per property
Farm buildings	- one per farm
Farm entrance	- minimum one field entrance per farm with additional field entrances where natural obstructions within the field prevent reasonable access across the field.
Commercial/industrial entrances	- two with a minimum spacing of 30 metres between entrances

- (c) **Exceptions:** Two entrances will be allowed for residential lots for the following circumstances:
  1. Lot, Corner
  2. Lot, through

Definitions:

1. Lot, Corner means a lot situated at the intersection of, or abutting upon, two or more public roads, provided that the angle of intersection of such streets is not more than 135 degrees;
2. Lot, through shall mean a lot bounded on two opposite sides by a street. If any lot qualifies as being both a "Lot, Corner" and a "Lot, through", as herein before defined, such lot shall be deemed a "Lot, Corner" for the purpose of this By-law.

**5. Culvert Pipe:**

If a culvert pipe is required it will be the responsibility of the landowner to supply the pipe at their cost. The Director of Public Works will determine what size and length of pipe and specifications are required.

**6. Refundable Deposit:**

A refundable deposit in the amount of \$500.00 shall be collected prior to issuance of the permit. This deposit shall be refunded to the applicant upon acceptance of the entrance by the Director of Public Works less any amounts expended to bring the entrance up to Municipal Standards.

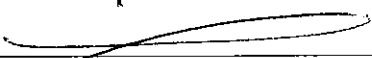
**7. Permit Fee:**

That a Fee in the amount of \$250.00 be collected prior to issuance of the permit.

**8. Cancellation of Permit:**

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

**19<sup>th</sup> day of June, 2012**

  
\_\_\_\_\_  
Mayor, Paul Gowing

  
\_\_\_\_\_  
Clerk, Nancy Michie



**SCHEDULE "A"**

**To BY-LAW NO. 44-2012**

**MUNICIPALITY OF MORRIS-TURNBERRY**

**APPLICATION FOR A NEW ENTRANCE**

(Includes modifications to an existing entrance)

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE:  
Res: \_\_\_\_\_  
Bus: \_\_\_\_\_

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**Location of Proposed Entrance:**

\_\_\_\_\_ side of Municipality of Morris-Turnberry \_\_\_\_\_ at Lot \_\_\_\_\_  
Concession \_\_\_\_\_ in the Municipality of \_\_\_\_\_ or Registered  
Plan # \_\_\_\_\_ in the Village of \_\_\_\_\_.

Sketch of Area:

Sketch to include:

- Approx. total length of frontage (also show buildings).
- Any other entrances to property.
- Distance between existing and proposed entrances including any nearby entrances on other properties.
- Other features: i.e. intersections, curves, etc.

**Municipality of Morris-Turnberry  
ENTRANCE PERMIT**

Authority is granted to \_\_\_\_\_ of  
Owner / Applicant

\_\_\_\_\_ Address \_\_\_\_\_ Postal Code \_\_\_\_\_ Telephone \_\_\_\_\_

to construct a \_\_\_\_\_ entrance to serve  
Type \_\_\_\_\_

Lot \_\_\_\_\_ Concession \_\_\_\_\_ Municipality of \_\_\_\_\_ or

Lot \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Town/Village/ Hamlet of \_\_\_\_\_

on the \_\_\_\_\_ side of the Municipality of Morris-Turnberry Ward \_\_\_\_\_

**Requirements for the Entrance:**

Top Width \_\_\_\_\_ m

Surface Type \_\_\_\_\_

Length of Pipe \_\_\_\_\_ m

Diameter of Pipe \_\_\_\_\_ mm

**Special Conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Refundable Deposit \$ \_\_\_\_\_

\_\_\_\_\_ per \_\_\_\_\_  
Date of Issue: \_\_\_\_\_ Director of Public Works  
Municipality of Morris-Turnberry

**FOR MUNICIPAL USE ONLY**

**CHECK:** Is the visibility adequate in each direction?

\_\_\_\_\_ YES or List problems.

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**Requirements for Pipe:**

- Top width required on Entrance \_\_\_\_\_ m - Length of Pipe \_\_\_\_\_ m

- Diameter of Pipe \_\_\_\_\_ mm - No. of Couplers \_\_\_\_\_

**Reason of New Access:**

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- Installation by: \_\_\_\_\_ Owner

Date completed by: \_\_\_\_\_

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**FOR OFFICE USE ONLY**

**Comments re Policy:** \_\_\_\_\_

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Policy Reviewed By: \_\_\_\_\_

Decision of Director of Public Works:

\_\_\_\_\_ Approved Date \_\_\_\_\_  
\_\_\_\_\_ Not Approved

Applicant Advised: \_\_\_\_\_

Deposit: \_\_\_\_\_

Cost Calculation: \_\_\_\_\_

Fee: \$250.00

Cheques to be made Payable to "Treasurer Municipality of Morris-Turnberry"