

# THE CORPORATION OF THE COUNTY OF PERTH

## BY-LAW NUMBER 2595

### Being a By-Law to Regulate the Construction or Alteration of any Entraceways, Private Roads or Access to a County Road.

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

**WHEREAS** Subsection 1(c) of Section 63 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, Chapter P.50 and amendments thereto provides that a County 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 P50 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;

**NOW THEREFORE** the Council of the Corporation of the County of Perth enacts as follows:

1. In this By-law:
  - a. "Council" shall mean the Council of the Corporation of the County of Perth;
  - b. "County road" shall mean all roads included in the County of Perth road system as defined in By-law No. 2532 of the Corporation of the County of Perth and any amendments to date made thereto and any amendments made thereto hereafter.
2. 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 County road, unless such access has been approved by an authorized officer as evidenced by the issuance of an access permit.
3. 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 County road, unless such access has been approved by an authorized officer as evidenced by the issuance of an access permit.
4. An access permit may be issued by the Public Works Department in accordance with the standards and policies set out in Schedule "B" of this By-law.
5. 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. 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. 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. 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. The Public Works Department be authorized to remove any unauthorized access from the Road Allowance.
10. **SCHEDULES "A" and "B"**, attached hereto, shall form part of this By-law.
11. **THIS BY-LAW** shall come into force and take effect upon the final passing thereof.

**Read a first, second time** this 2<sup>nd</sup> day of September, 1999

Read a third time and finally passed this 2<sup>nd</sup> day of September, 1999

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Dave Shearer, Warden

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James G. Wilson, Clerk-Treasurer

**ENTRANCE POLICY**

**Schedule 'B' to Bylaw 2595**

The County Director of Public Works Department shall consider the following criteria when reviewing all applications for new entrances or alterations to entrances:

- a) Protection of the public through the orderly control of traffic movements onto and from County roads, including possible requirements for left and/or right turn lanes.
- b) Maintenance of the traffic carrying capacity of the County road network.
- c) Protection of the public investment in County road facilities.
- d) Minimizing County expenditures on maintenance of private entranceways.
- e) Providing legal access onto County roads from adjacent private property.

**DEFINITIONS**

<b><u>Field Entrance</u></b>	Provides access to agricultural fields.
<b><u>Farm Entrance</u></b>	Provides access to farm buildings and agricultural lands.
<b><u>Residential Entrance</u></b>	Provides access to residential facilities of four units or less.
<b><u>Commercial/Industrial/ Institutional Entrance</u></b>	Provides access to a business where goods or services are manufactured or sold to the public and includes as well, residential facilities of five or more units.
<b><u>Temporary Entrance</u></b>	Provides access to properties for a limited period not to exceed one year for the purpose of construction, repairs or improvements on that property or to facilitate a staged development.
<b><u>Emergency Access</u></b>	Provides access to subdivision developments for emergency vehicles only, in the event that the main access to the development is not passable. Adequate measures are to be incorporated in the emergency access to prevent (adequately discourage) use by private residents or delivery vehicles.
<b><u>Public Entrance</u></b>	Provides access onto a County road from a registered subdivision by means of a public road or street.

**LOCATION OF ACCESSES**

The proposed access location is to be clearly illustrated on a sketch which is to accompany the application for an access permit.

The sketch must provide enough information to enable staff to locate the proposed entrance in the field, i.e. dimensions to buildings and/or landmarks like fences, hedgerows and tree lines, etc.

The County may restrict the placement of an access onto the County road in the interest of public safety. New accesses must be located so as to provide, in the opinion of the Public Works Department:

- a. No undue interference with the safe movement of public traffic, pedestrians or other users of the highway.
- b. Favourable vision, grade, alignment conditions for all traffic using the proposed access to the County road.

In general, new entrances **will not be permitted** at the following locations:

- a. Where access can reasonably be gained via a Town, Village or Township right-of-way.
- b. Along a lane which is identified for the purpose of an exclusive vehicular turning movement.
- c. In close proximity to intersections and bridges.
- d. Where the following minimum sight distances requirement are not met:

<u>Speed Limit</u>	<u>Minimum Sight distance</u>	<u>Desirable Sight Distance</u>
50 km/hr	120 metres	135 metres
60 km/hr	140 metres	165 metres
70 km/hr	160 metres	180 metres
80 km/hr	180 metres	200 metres
90 km/hr	200 metres	210 metres

**Notes:**

Sight distance shall be measured from eye height of 1.05 metres measured 3.0 metres for outer edge of the traffic lane to an object height of 1.3 metres above the roadway surface. (See Fig 1 and 2).

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 145 metres(475 feet) 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, farm or field entrance in an area where the speed limit is 80 km/hr or more must be located at least 30 metres(100 feet) 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 the traffic using that entrance.

In areas where the speed limit is less than 80 km/hr, the Public Works Department may restrict the location of an entrance to that distance from the bridge or other structure which he deems advisable.

**DESIGN STANDARDS**

**Entrance Grade**

The finished surface of the access must drop away from the edge of the highway driving surface to the end of the shoulder rounding at a rate equal to the slope of the shoulder. For a distance of 5.0 metres beyond the shoulder rounding, the slope of the access is not to exceed 3%.

**Field Entrance**

Shall be surfaced with at least 150mm(6") pit run gravel(Granular B) and where a culvert is required, its length must be sufficient to provide a 2:1 slope up from the ditch invert to an entrance width of 6.0 metres. A minimum cover on the culvert is to be 300 mm(12"). Concrete or paving stones should not be used within 15 feet of the edge of road pavement. See Figures 1A and 1B.

**Farm or Residential Entrance**

Shall be surfaced with a minimum of 150mm(6") crushed gravel(Granular A). Where a culvert is required, its length must be sufficient to provide a 2:1 slope up from the ditch invert to an entrance width of 6.0 metres. A minimum cover on the culvert is to be 300 mm(12"). Concrete or paving stones should not be used within 15 feet of the edge of the road pavement. See Figures 1A and 1B.

**Commercial/Industrial/Institutional Entrance**

Shall be surfaced with 75 mm hot mix asphalt from the edge of pavement to the property line 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. A minimum cover on the culvert is to be 300 mm(12"). See Figures 2A and 2B.

**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 County 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 conditions for vehicular traffic.

A culvert installed under the terms of the access permit shall become the property of the County upon acceptance of the work and all subsequent maintenance repairs, alterations, etc. to the culvert shall be the responsibility of the County except where the culvert crosses a municipal drain in which case the maintenance will be the responsibility of the local municipality with costs shared in accordance with their 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 drop curb at the entrance location. The existing curb shall be cut or removed and replaced using materials and construction methods acceptable to the Public Works Department.

The area between the curb and sidewalk is to be paved with hot mix asphalt, concrete or paving stones, in accordance with the Public Works Department’s requirements. If there is no sidewalk, the entrance is to be paved a distance of two metres behind the curb.

**Temporary/Emergency/Public Entrance**

The design and construction of temporary/emergency and public entrances must be submitted to, and approved, by the County and an access permit issued prior to work commencing on the entrance within the limits of the road allowance of a County road or any works related to said entrance.

**Number and Width of Accesses**

It will be the policy of the Public Works Department to:

- a. Limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- b. Limit the number of accesses to a property to the number required for the safe and reasonable access to the County road and in general conformity with the following:
 

Residential entrance	one per property
Farm entrances	one per farm
Field 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 entrance	Maximum two with a minimum spacing of 30 metres between entrances.

**Cancellation of Permit**

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