

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

**BY-LAW NUMBER 2007-58**

Being a By-Law for the purpose of regulating the installation of entrance-ways &/or paved driveways upon all municipal roads in the Township of Madawaska Valley.

**WHEREAS** the Municipal Act, 2001 provides that the Council of all municipalities may pass by-laws respecting highways under their jurisdiction, and may exercise its powers as authorized under the "drainage and flood control" sphere of jurisdiction, pursuant to the Municipal Act, 2001;

**AND WHEREAS** it is deemed expedient to regulate the installation of entrance-ways over ditches and watercourses upon any public highway forming part of the township road system of the Corporation of the Township of Madawaska Valley;

**NOW THEREFORE** the Council of the Corporation of the Township of Madawaska Valley enacts as follows:

1. That an "entrance-way" for the purpose of this by-law is any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means of access to an open township road, and includes the tiling and covering or filling in of a roadside ditch for the purpose of improving a lawn or other frontage. For the purpose of this by-law, 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 no other person shall construct an entrance-way for any purpose &/or paved driveways without first obtaining a permit from Township, which application form is attached hereto as **Schedule "A"** to this by-law. That the construction of all entrance-ways &/or paved driveways shall be carried out under the direction or supervision of the Operations Manager.
3. That, notwithstanding the provisions of Section #1 of this by-law, all existing entrance-ways 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 Section #2 of this by-law.
4. A ratepayer who requests additional entrance-ways to their property must first file a detailed report with the Council for the Township of Madawaska Valley, outlining the reasons for his/her request. A detailed diagram of the property showing the location of the present entrance-ways, measurements and distances of the proposed entrance ways, and visibility to approaching traffic on the municipal road, will be required.
5. That all entrances shall require a new CSA approved 16" culvert, 30' minimum in length or one of sufficient size to accommodate the flow of water, unless it is determined by the Operations Manager that a culvert is not required.
6. That the location of the entrance-way must first be approved by the Operations Manager 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 requirements must be satisfied in both directions.
7. That sightlines for entrance-ways shall be based on a measurement of 4' (vertical) from the ground or at the discretion of the Operations Manager. The following horizontal sightline distances shall be classed by road category taken from the Township of Madawaska Valley Road Maintenance Standards By-Law Number 2005-51, as setout hereinafter.

Non-residential:	Distance	Residential:	Distance	Commercial:	Distance
Class 6 A & B & C	200'	Class 6 A & B & C	225'	N/A	250'
Class 5	225'	Class 5	250'	Class 5	300'
Class 4	250'	Class 4	275'	Class 4	350'

8. That every applicant shall obtain an entrance permit at a cost of **\$100.00** each. Said permit fee shall be paid for at the municipal office prior to the issuance of the permit. Upon completion of the entrance-way to the satisfaction of the Operations Manager the entrance-way shall be approved. If the entrance-way 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.
9. That every person who is paving a driveway must obtain a permit at a cost of **\$50.00** each. Said permit fee shall be paid for at the municipal office prior to the issuance of the permit. The paved driveway intersecting a municipal road must be to the satisfaction of the Operations Manager.
10. That the responsibility and the cost of constructing all entrances shall be borne by the owner of the subject property, or the applicant.
11. That any person who contravenes any of the provisions or part of this by-law is guilty of an offence and shall, upon conviction therefore, be liable to a fine as provided under the Provincial Offences Act. Such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990.
12. That the Operations Manager shall keep accurate records of where the culvert is placed and have entrance permits numbered consecutively and recorded against the applicable property roll number.
13. That By-Law Number 2005-53 is hereby repealed.
13. That this by-law shall be deemed to have come into force and effect as of September 17<sup>th</sup>, 2007.

**READ A FIRST AND SECOND TIME THIS 1<sup>st</sup> DAY OF October, 2007.**

\_\_\_\_\_  
MAYOR – John Hildebrandt

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CAO/CLERK - Pat Pilgrim

**READ A THIRD TIME AND FINALLY PASSED THIS 15<sup>th</sup> DAY OF October, 2007.**

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MAYOR – John Hildebrandt

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CAO/CLERK - Pat Pilgrim



TOWNSHIP OF MADAWASKA VALLEY

APPLICATION FOR ENTRANCE &/OR PAVED ENTRANCE

Permit No. ....

Name of Applicant (Please Print) .....

Address .....

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Telephone (Home) ..... (Business) .....

Location:

Township Road Name .....

Lot ..... Concession / Plan .....

Part..... Reference Plan .....

Geographic Township ..... Roll Number .....

Description .....

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Requirements: Entrance Use – Residential  Farm  Commercial  Other

Change of design or location of existing driveway: Yes  No

Requirements: New CSA Approved culvert, minimum size 16 inches, minimum entrance width 30 feet.

It is understood by the applicant that all works will be constructed, altered, maintained or operated at the expense of the undersigned, and that work must not commence before a permit has been issued by the Operations Manager. It is further understood that a fee of \$100.00 must be paid to the Township Office prior to the issuance of an Entrance Permit or in the case of a paved driveway a fee of \$50.00 must be paid to the Township Office prior to the issuance of an Entrance Permit. Once the entrance-way has been completed &/or paved to the satisfaction of the Operations Manager, the entrance-way &/or paved driveway will be approved. Failure to complete the entrance-way &/or paved driveway within one year from the date of permit issuance will result in forfeiture of the fee to the township, and revocation of the permit.

Applicant's Signature .....

Date .....

Name (Please Print) .....

Mailing Address: .....

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SKETCH OF PROPOSED ENTRANCE &/or PAVED DRIVEWAY

(Please ensure that the proposed entrance-way is clearly marked with pickets)

**FOR OPERATIONS MANAGER'S USE ONLY**

Applicant Interviewed by.....

Date .....

Entrance Recommended: Yes  No

Culvert Size .....

Remarks .....

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Date.....

Application No. ....

Date Fee Received ..... Amount \$ .....

Signature of Operations Manager .....

Date of Permit Issue .....

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**OPERATIONS MANAGER'S REPORT**

All conditions of the permit have been met and approved. Yes  No

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Operations Manager's Signature ..... Date.....