BY-LAW NO: 23-77

Being a bylaw to adopt the Driveway Culvert Policy for The Corporation of the Township of The North Shore

WHEREAS Section 5(1) of the Municipal Act S.O. 2001, c.25, as amended, grants that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 5(3) of the Municipal Act 2001 S.O. 2001, c.25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 5(4) subsections (1) to (3) of the Municipal Act S.O. 2001, c.25, as amended, apply to all municipal powers, whether conferred by this Act or otherwise;

AND WHEREAS the Council of the Corporation of the Township of the North Shore deems it appropriate to adopt a Driveway Culvert Policy;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE HEREBY ENACTS AS FOLLOWS:

1. That the Driveway Culvert Policy attached hereto as Schedule "A" be adopted.

2. That the "Application For A Driveway From A Township Road And/or Installation Of A Culvert" known as Schedule "A" of the Driveway Culvert Policy attached hereto as Schedule "B" be adopted.

2. That Schedules "A" and "B" be declared to form part of this by-law.

3. This By-Law shall come into force and take effect on the date of passing thereof and its short title is "Driveway Culvert Policy By-Law".

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND FINALLY PASSED THIS 5th DAY OF DECEMBER 2023.

Tony Moor, Mayor

Rachel Jean Schneider, Clerk/Deputy Treasurer

The Corporation of the Township of The North Shore
P.O. Box 108, 1385 Highway 17
Algoma Mills, Ontario P0R 1A0
(705) 849-2213 ★ Fax: (705) 849-2428

Schedule "A"

THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE

POLICY MANUAL

POLICY TITLE:		SUBJECT:
Driveway Culverts		Policy for Private Driveway from Public Access Road Construction & Rehabilitation and Culvert Installation and Repairs
POLICY SECTION: C		POLICY NO: 1
EFFECTIVE DATE:	April 2, 2014	ENACTED BY: Resolution, By-Law 23-77
AMENDED DATE:	November 15, 2023	

New Culvert Installation

When a new private driveway entrance is proposed off a Municipal right of way, the proponent/property owner shall complete the "Application for a Driveway from a Township Road and/or Installation of a Culvert" application form (Schedule A) and will arrange to meet the Township of the North Shore's Public Works Manager to arrange a site inspection. Failing this, the proposed new entrance will be marked for inspection purposes, ***before*** construction starts. The purpose of the inspection is to ensure that the proposed entrance will not interfere with any existing ditch drainage or create any site line hazards to either the private user or members of the public.

The minimum diameter of culvert used within the Township is 635mm (24") by 6 m long. The Public Works Manager will arrange an inspection and may make a recommendation to the proponent/property owner that a larger size be utilized (due to ditch flows in the area, spring run offs, etc). This recommendation must be followed by the proponent before any culvert installation will be permitted.
If the Township is not consulted prior to a culvert installation and an improper sized culvert is utilized, the property owner will be notified in writing as to the corrective measures to be taken. These measures will be undertaken within thirty (30) days upon receipt of the letter. If these measures are not taken after the thirty-day period, the Township will undertake the work at the property owner's expense.

For the initial installation, the property owner will make their own arrangements for the labour and material for the proposed work. Failing that, the property owner may arrange for the Township to supply and install the culvert, and these charges will be billed to the property owner.

When the installation of the culvert is complete, the Public Works Manager will arrange a final inspection to ensure that an adequate coverage of aggregate was utilized, and that the culvert is of good quality. The Public Works Manager will notify the proponent/property owner, either in writing or verbally the findings, including any defects in the culvert or installation process that may absolve the Township from incurring future repairs/replacement costs.

Failure to follow the correct procedures and recommendations for culvert installation will result in one (1) letter of warning mailed to the property owner advising them of the infractions and the measures needed to rectify the situation. A thirty (30) day period (from the date of issuance of the warning letter) will be given to rectify the non-compliance, and failing this, the Township may cause the culvert to either be repaired or removed.

For the initial installation of a culvert being installed off a Municipal right of way, the proponent is responsible for all associated costs with this installation. This includes the cost of the culvert, aggregate for backfilling of the culvert and labour/machinery costs for all aspects of the installation. Any subsequent work related to the repairing of the culvert will be borne by the Township. If it is determined that the repairs are a result of inadequate coverage of aggregate over the culvert, the Township is not responsible for repairs. Likewise, if it is determined that a culvert of inferior quality was utilized (i.e. rusted) during construction, the Township will not be held liable for repairs.

If a driveway access is installed without the culvert and it is determined that one is required, the property owner will be notified in writing as to the culvert recommendation. The property owner will then have a thirty-day (30) period to follow through on these recommendations. The recommendations for culvert installation will be based on the need for water drainage through Township ditches. As well, public safety in regard to water eroding the road or spilling onto the roadway and creating a hazard or creating a stagnant water breeding ground for mosquitoes, etc., will also be a factor in these considerations.

Replacement of Culverts

After the property owner has put the initial culvert in place, subsequent maintenance and repairs becomes the responsibility of the Township, including the hiring of any equipment needed to facilitate the work. The decision on the replacing of a culvert will be the responsibility of the Township. Unless deemed an emergency replacement, any culvert replacement will be deferred until it has been passed under the budgetary process. If a replacement culvert is needed, the proponent/property owner shall complete the "Application for a Driveway from a Township Road and/or Installation of a Culvert" application form (Schedule A).

This responsibility will include the removal of the existing culvert (if repairs are not feasible) with a new one of equal or greater diameter, as determined by the Township. The culvert will be replaced with one that is 6 m in length. The type to be utilized (CSP, concrete or plastic) will be left to the Township's discretion. If the property owner desires a culvert longer than the standard 6 m length, he/she may purchase one through the Township and will bear the financial responsibility for the purchase of the extra length of culvert, as well as the cost for the extra aggregate that will be required.

The Township will also be responsible for supplying the correct amount of 'A' aggregate to place over the new culvert and restore the entrance way to as near to the previous condition as possible. The aggregate will come from whatever supplier the Township awards the work to.

This work will also include restoration of the excavated area.

The Township will not be responsible for any retaining walls constructed on the culvert ends by the property owner. Retaining wall refers to but is not limited to any timber, wood, concrete, block/brick or stone used as a means to maximize the full length of the culvert. The property owner may reinstall any retaining walls at his/her own expense.

Public Road Reconstruction Around or Through Private Entrance Ways

If the Township determines that a road's height must be raised for any reason, the Township will be responsible for the supplying and grading of any extra gravel to the private entrance where the two meet, on any work greater than 2" in height. This will ensure unencumbered access by the property owner so that the finished grade will not be detrimental to the road. The responsibility borne by the Township will be for a width of up to 4' and will be measured from the edge of the surface treatment or, in the case of an aggregate road, from the shoulder edge out towards the private entrance way. Any amounts wider than this will be at the discretion of the Township.

For any roads that are required to be lowered in height, the Township will be responsible for the removal of any excess aggregate that may be required. This will help ensure an unencumbered access to the road/private entrance by either the property owner or public at large. The area where the aggregate is removed will be left in a graded condition as close to the original condition as possible.

SCHEDULE A

THE CORPORATION OF THE TOWNSHIP OF THE NORTHSHORE

APPLICATION FOR A DRIVEWAY FROM A TOWNSHIP ROAD AND/OR INSTALLATION OF A CULVERT

APPLICANT/OWNER: _____
ADDRESS: _____
_____

PHONE NUMBER: _____

PROPERTY DESCRIPTION:
TOWNSHIP _____ PARCEL _____
LOT _____ CONCESSION _____ SECTION _____
CIVIC ADDRESS (if applicable) _____

- A SITE PLAN IS REQUIRED INDICATING THE PROPOSED LOCATION OF THE DRIVEWAY
- DRIVEWAYS MUST BE A MINIMUM OF 20 FEET WIDE
- THE PROPOSED LOCATION OF THE DRIVEWAY MUST BE FLAGGED ON-SITE FOR INSPECTION AND MARKED CLEARLY
- **ENTRANCES CONSTRUCTED OR INSTALLED WITHOUT WRITTEN AUTHORITY ARE SUBJECT TO IMMEDIATE REMOVAL BY THE TOWNSHIP AT THE EXPENSE OF THE PROPERTY OWNER**

After entrance approval is granted, the property owner is responsible for all costs, including the purchase and delivery of the culvert and gravel to their location. The culvert must be constructed from CSA approved High Density Polyethylene (HDPE) and be of the specified length and width as stated in the approval notice. Once the installation is complete, the Township of The North Shore assumes ownership of the culvert. *If a replacement culvert is ever required, it becomes the responsibility of the Township of The North Shore.*

I, _____own the above described property, and wish to make an application for: (check all applicable options)

_____ Driveway approval
_____ Culvert installation (purchase)
_____ Change of use of driveway
_____ Replacement culvert

_____ _____
Applicant's signature Date of application

FOR OFFICE USE ONLY

The location (or proposed location) is suitably marked for site lines.
Public Works' Verification: _____

The required culvert is to be of the following size and type: _____

The applicant's cost is broken down as follows:

_____
_____
_____
_____

Receipt No. _____ Date Paid: _____

THIS IS TO CERTIFY THAT THERE IS AN ADEQUATE DRIVEWAY ON THE ABOVE REFERENCED PROPERTY.

Date: _____ Public Works Official: _____

DISTRIBUTION: ORIGINAL – PROPERTY FILE # _____
COPY – BUILDING PERMIT FILE (if applicable) _____

TOWNSHIP OF THE NORTH SHORE 50th Anniversary/ Anniversaire 1973 - 2023

COPY

Resolution # 401

PO Box 108, Algoma Mills, ON P0R 1A0
(705) 849-2213 (705) 461-1821

REGULAR COUNCIL MEETING

MEETING DATE: December 5th, 2023

AGENDA ITEM(S): 9b)

MOVED BY: T. Simon

SECONDED BY: R. Green

BE IT RESOLVED: That Council for the Corporation of the Township of The North Shore approve By-Law 23-77 being a by-law to adopt the Driveway Culverts Policy for the Corporation of the Township of The North Shore be read a first, second and third time enacted and passed.

Conflict of Interest disclosed by :	**Ward 1**	**Ward 2**	**Ward 3**	**At Large**	**Mayor**
Seat Vacated : Y	**N**	**Recorded Vote Requested by :**			
Recorded Vote : (Y) ea,	**(N) ay,**	**Ward 1**	**Ward 2**	**Ward 3**	**At Large**	**Mayor**
DEFEATED	**DEFERRED**	**CARRIED** ✓				

MAYOR or CHAIR or (Acting)