

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW NUMBER

**REGULATING THE CONSTRUCTION OR ALTERATION
OF ANY ENTRANCE WAYS, PRIVATE ROADS OR ACCESS
TO A COUNTY ROAD**

WHEREAS Subsection 1 of Section 63 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, Chapter P50 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, entrance way, gate or other structure or facility that permits access to a road; and any change in use of any private road, entrance way, 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;

AND WHEREAS the Council of the Corporation of the County of Middlesex deems it necessary and desirable to regulate the construction and alteration of ENTRANCE WAYS, private roads, or other facilities that permit access to County roads and to provide for the issuing of permits related thereto;

NOW THEREFORE The Council of the Corporation of the County of Middlesex enacts as follows:

1. **THAT** in this By-law:

a) "Council" shall mean the Council of the Corporation of the County of Middlesex;

b) "County road" shall mean all roads included in the County of Middlesex road system as defined in By-law 4554 of the Corporation of the County of Middlesex and any amending By-laws thereto.

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 County 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, entrance way, 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. **THAT** an entrance permit may be issued by the Transportation Manager or Director of Transportation and Emergency Services 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 entrance permit issued hereunder.

6. **THAT** all costs associated with an entrance 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 entrance 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 Transportation and Emergency Services be authorized to remove any unauthorized access from the road allowance.

10. **THAT** this By-law shall become effective on the day it is finally passed.

PASSED in COUNCIL this 10th day of December, 1996.

SCHEDULE "A"
TO BY-LAW NUMBER

THE CORPORATION OF THE COUNTY OF MIDDLESEX
SCHEDULE "B"
TO BY-LAW NUMBER
COUNTY OF MIDDLESEX
ENTRANCE POLICIES

The Transportation and Emergency Services Department shall consider the following guidelines 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.
- 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 ENTRANCE WAYS.
- e) providing legal access onto County roads from adjacent private property.
- f) ensure uniform practices in the design and construction of accesses

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/ provides access to a development where Institutional Entrance: goods are manufactured or sold to the public, institutional uses, 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.

Auxiliary: provides additional access to a residential facility or farm building.

LOCATION OF ACCESSES

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:

- 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 County 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 intersections.
- c) within daylight triangles at intersections.
- d) where the following minimum sight distance requirements are not met.

Speed Limit Minimum Sight Distance

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.*

- e) within 20 metres centre to centre of another same side entrance in Rural areas.

f) in Urban areas, entrances must be spaced away from adjacent entrances sufficient distance to provide a minimum of 2 metres clear space between the ends of adjacent entrance pipes, or, at locations of curb and gutter, to provide a minimum length of 1 metre of raised curb between adjacent entrances.

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") crushed gravel (Granular "A"), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to a minimum entrance width of 6.0 metres.

Farm or Residential: Shall be surfaced with at least 150 mm (6") crushed entrance gravel (Granular "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 Shall be surfaced with hot-mix asphalt and where a Institutional Entrance: 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.

Curb and/or No curb or head wall can extend above the surface of the head walls: roadway shoulder within a distance of 4 metres from the edge of the travelled roadway. All curbs and head walls 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 condition for vehicular traffic.

A culvert pipe 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., 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 Township 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 Transportation and Emergency Services or altered in accordance with the Director of Transportation and Emergency Services's 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 Transportation and Emergency Services's requirements. If there is no sidewalk, the entrance is to be paved a distance of 2 metres behind the curb.

Number of Width of Accesses:

It will be the policy of the Transportation and Emergency Services 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 guidelines:

ROAD CLASSIFICATION: - "COLLECTOR"

ENTRANCE TYPE URBAN LOCATIONS RURAL LOCATIONS

Type 1 - Residential/Farm

Type 2 - Commercial, Industrial, Institutional

Type 3 - Public Roads

Type 4 - Auxiliary/Field

An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property.)

A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards.

Minimum spacing from another adjacent intersecting road shall be 125 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible.

A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 15 metres from the present Type 1 entrance.

An entrance will be granted to each residence, farm or vacant lot. (Maximum one residential entrance per property)

A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards.

Minimum spacing from another adjacent intersecting road shall be 200 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible.

A second entrance will be granted to residential lots/

farms where the second entrance can be spaced a minimum of 30 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 100 metres from any same side entrance.

ROAD CLASSIFICATION: 2-LANE ARTERIAL

ENTRANCE TYPE URBAN LOCATIONS RURAL LOCATIONS

Type 1 - Residential/Farm

An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property).

An entrance will be granted to each residence, farm or vacant lot.
(Maximum one residential entrance per property)

Type 2 - Commercial, Industrial, Institutional

Type 3 - Public Roads

Type 4 - Auxiliary/Field

A single entrance will be granted to each lot. A second entrance will be granted where the frontage exceeds 50 metres. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turn lanes may be required. (Maximum one residential entrance per property)

Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turn lanes may be required.

A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 30 metres from the present Type 1 entrance.

A single entrance will be granted to each lot. A second entrance will be granted where the frontage exceeds 80 metres. Entrances must conform to County Standards and MTO Commercial Site Access Standards. Turn lanes may be required. (Maximum one residential entrance per property)

Minimum spacing from another adjacent intersecting road shall be 250 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turn lanes may be required.

A second entrance will be granted to a residential lot where the second entrance can be spaced a minimum of 75 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 150 metres from any same side entrance. A field entrance location 30 metres from a present Type 1 entrance will be granted where it will reduce farm vehicle use of the highway.

ROAD CLASSIFICATION - 4-LANE ARTERIAL

ENTRANCE TYPE URBAN LOCATIONS RURAL LOCATIONS

Type 1 - Residential/Farm

A single entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property)

A single entrance will be granted to each residence farm or vacant lot where an alternative of access to a local road or lower classification County/Suburban Road is not available. (Maximum one residential entrance per property)

Type 2 - Commercial, Industrial, Institutional

Type 3 - Public Roads

Type 4 - Auxiliary/Field

A single entrance will be granted to each lot. A second entrance will be considered where the frontage exceeds 60 metres. Turn lanes may be required.

Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turn lanes may be required.

Second access points will not be granted to residences or vacant lots.

A single entrance will be granted. A second entrance will be considered where the frontage exceeds 200 metres. Turn lanes may be required.

Minimum spacing from another adjacent intersecting road shall be 350 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turn lanes may be required.

Second access will not be granted to residential, farm or vacant lots. A second entrance for field access will be considered when it can be spaced 200 metres from any present same side access.

NOTE: The ROAD CLASSIFICATION shall be in accordance with the classification established by the Middlesex County Official Plan as amended.

The definition of urban or rural areas shall be established by the Transportation and Emergency Services Department.

Refundable Deposit

A refundable deposit of a minimum amount of \$300.00 shall be collected prior to the issuance of the permit.

Permit Fee

A fee in the amount of \$100.00 is to be collected prior to issuance of the permit. The entrance permit shall also be the work permit.

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.