

THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL

BY-LAW NO. 2015-52

"A BY-LAW TO ADOPT A POLICY  
ON THE USE OF UNOPENED ROAD ALLOWANCES"

**WHEREAS** Municipal Council deems it advisable to adopt a policy with respect to unopened road allowances;

**NOW THEREFORE:** The Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. The attached hereto as Schedule "A" and forming part of the by-law is hereby adopted.
2. That this by-law will come into force and take effect on its passing.
3. By-law 2013-29 is hereby repealed.

Read a first and second time in open Council this 1<sup>st</sup> day of September, 2015.

Read a third and final time, passed, signed and sealed in open Council this 1<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

## Schedule "A" to By-law 2015-52

### Use of Unopened Road Allowance Policy

#### POLICY STATEMENT

The Corporation of the Township of Edwardsburgh/Cardinal will generally refuse to permit any person to open any unopened road allowance within the Township by way of a trail, driveway or road capable of being used by any motor vehicle whatsoever.

The purpose of this policy is to protect the Township from demands that such unopened road allowances be improved and maintained at the expense of the general ratepayers of the municipality.

#### SCOPE

1. The municipality will consider opening an unopened road allowance where the number of potential users warrants the expense of maintaining it in the sole discretion of Council, and where such potential users are prepared to pay the cost of initially constructing a road to the same standard as similar publicly maintained roads located elsewhere in the municipality. The municipality will generally require all unopened road allowances opened under this policy to be paved.
2. Unopened road allowances may not be used to access single residences, nor shall they contribute to the minimum frontage requirements of the Township's Comprehensive Zoning Bylaw.
3. No person shall erect any kind of structure on or attached to an unopened road allowance owned by the Township of Edwardsburgh/Cardinal.
4. No person shall store any vehicle, boat, trailer, etc. on an unopened road allowance owned by the Township of Edwardsburgh/ Cardinal.
5. No person shall perform any work, or remove any trees, soil or other material or use any unopened road allowance without the specific approval of Council.
6. Requests for permission to upgrade or maintain an unopened road allowance shall be submitted in writing to the CAO/Clerk or the Director of Operations. The request must state the intended upgrades or maintenance, the applicant's interest in the allowance and must be accompanied by an accurate location and description plan.
7. If permission is granted by Council to upgrade or maintain the unopened road allowance, the following policies shall apply, as determined by the municipality:
  - a. The actual location of the allowance is the responsibility of the applicant and may be required to be verified by an Ontario Land Surveyor, at the expense of the applicant.
  - b. If a new entranceway to the allowance is required, the approval of the municipality's Director of Operations or alternate as to its location, width, size and length of culvert to be installed and the grade at which it intersects the Township road is required. Where entry is upon a roadway not under the jurisdiction of the municipality, the standards and specifications of the United Counties of Leeds & Grenville or the Ontario Ministry of Transportation shall apply.
  - c. If brushing and clearing of the road allowance is undertaken, all wood larger than 4 inches in diameter shall be piled for pickup by the municipality. Alternatively, the municipality may agree to sell the wood to the applicant at a pre-set fee per face cord, the volume of wood to be sold to be determined jointly by the applicant and the Director of Operations or alternate. All brush and stumps to be cleared to the satisfaction of the municipality.

- d. If the application is for the provision of an access road, the minimum width of clearance shall be 20 feet. This 20 feet shall be located in the centre of the road allowance, leaving an equal buffer on either side of the cleared area, unless otherwise approved by Council.
  - e. The applicant shall acknowledge in writing that any and all improvements to the road allowance are at the sole expense of the applicant and all such improvements must be approved by the municipality. The applicant must also acknowledge in writing that any member of the general public has the right to use the subject road allowance.
  - f. The applicant must post a notice on the entrance to the road allowance, in a form acceptable to the municipality, advising all users of the road allowance that the roadway is an unassumed municipal roadway and that it is used at the public's own risk.
  - g. The applicant must acknowledge in writing that the municipality assumes no liability, responsibility or obligation whatsoever to construct and/or maintain and/or repair the road allowance.
  - h. The applicant must agree in writing to indemnify and save harmless the municipal corporation and its officers and directors from any and all manner of actions, causes of actions, claims or demands whatsoever for or by reason of any personal injury and/or property damage of or in any way arising out of any accident whatsoever occurring on the road allowance.
8. Requests to stop up, close and convey unopened road allowances shall be directed to the CAO/Clerk or the Director of Operations in writing with the reason for the request clearly stated. Such requests will be considered only in circumstances where the closure will not lead to issues of land locking or blocked access to privately owned property. All costs of the conveyance, including required surveying shall be borne by the applicant. All intended conveyances will be publicized.