

**CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2025-29

**“BEING A BY-LAW TO REGULATE THE INSTALLATION AND USAGE OF
ENTRANCEWAYS”**

WHEREAS Section 27 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may pass By-Laws in respect of a highway if it has jurisdiction over the highway;

AND WHEREAS Section 44 of the Municipal Act, 2001, S.O. 2001, c. 25 requires that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

AND WHEREAS the Township of Edwardsburgh Cardinal receives requests from time to time from ratepayers and other interested parties for permission to construct entrances that connect private property to Township Roads;

AND WHEREAS the Township of Edwardsburgh Cardinal has a responsibility to ensure all entrances connecting to Township Roads are safe for the public who use the Township Roads;

AND WHEREAS it is deemed expedient to regulate the use of highways under the jurisdiction of the Corporation of the Township of Edwardsburgh Cardinal, to regulate the installation of entranceways over ditches and over watercourses within or providing outlet to any public highway under the jurisdiction of the Corporation of the Township of Edwardsburgh Cardinal, and to regulate and prohibit the obstruction of any drain or any watercourse within or providing outlet to any public highway under the jurisdiction of the Corporation of the Township of Edwardsburgh Cardinal;

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

1.0 DEFINITIONS

2.1 **“Applicant”** shall mean any human being, association, firm, corporation or partnership, agent or trustee together with any heirs, executors, successors, assigns or other legal representative of an applicant.

2.2 **“Commercial Entrance”** means an entrance opening onto a municipal road from a property used for commercial, industrial, or institutional use or a combination thereof and includes residential properties such as apartments, townhouse developments and other multiple dwelling unit developments having common parking areas;

2.3 **“Design”** shall mean the requirements, as set out by the Manager of Public Works or their designate, which need to be met in order to construct an entrance. Requirements may include a culvert, the size and length of which shall

be determined by the Manager of Public Works or their designate through inspection of the described area, including minimum standards for the amount of gravel needed, the grade of the gravel, the slope needed on the entrances etc.

2.4 **“Emergency Entrance”** shall mean an entrance that provides access to residential developments for emergency vehicles only, in the event that the 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.

2.5 **“Entranceway”** shall mean any driveway, lane, private road, entrance or other structure or facility constructed or used as a means of access and/or egress to and/or from a roadway under the jurisdiction of the Corporation of the Township of Edwardsburgh Cardinal, herein defined as a 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.

2.6 **“Entrance Permit”** shall mean a permit issued by the Township to give permission to an Applicant to construct an entrance on a Township Road.

2.7 **“Farm/Agricultural Entrance”** means an entrance opening onto a municipal road from a farm, field, bush, or other agricultural use;

2.8 **“Front Yard Ditch Filling”** shall mean the tiling, installation of a culvert and/or covering or filling in of a municipal roadside ditch, in front of the property for the purpose of improving a lawn or another frontage.

2.9 **“Officer”** shall mean a Municipal Law Enforcement Officer appointed by the Township under Section 15 of the *Police Services Act, R.S.O. 1990, CP. 15*.

2.10 **“Person”** means an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual; a single person as distinguished from a group or class, or a corporation treated as having the rights and obligations of a person.

2.11 **“Public Entrance”** means an entrance opening onto a municipal road from a public road, street, or highway or thoroughfare, maintained by the Township;

2.12 **“Residential Entrance”** means an entrance opening onto a municipal road from one or more residential dwelling units where there is no common parking area;

2.13 **“Temporary Entranceway”** shall mean an entranceway that provides access to properties for a limited period not to exceed six (6) months for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.

2.14 **“Temporary Entrance”** means an entrance opening onto a municipal road that will be used for a limited period not to exceed six (6) months to permit construction or other short-term access. Once temporary entrance is completed then a new entrance application for a permanent entrance shall be filed.

2.15 **“Temporary Permit”** shall mean a permit issued to utility companies before and while the work is being completed on the entrance. Temporary permits must be confirmed as permanent permits within 1-year or the entrance shall be removed by the Public Works department on behalf of the Township.

2.16 **“Township”** shall mean the Corporation of the Township of Edwardsburgh Cardinal and its appointed representatives designated to act on behalf of the Corporation.

3.0 REGULATIONS AND RESTRICTIONS

3.1 THAT no person shall use any portion of any highway under the jurisdiction of the Township, except in accordance with the By-law. Uses not specifically permitted in this by-law may be permitted by Council with the passing of a By-law to permit and regulate that use.

3.2 THAT no person shall construct, alter or change the use of an entranceway without obtaining a permit from the Township to do so.

3.3 THAT all entranceways shall be constructed and/or complete to the satisfaction of the Manager of Public Works or their designate as represented by the Township. The diameter, gauge, length, type of culvert, number of catch basins and type of catch basins to be used shall be determined by the Manager of Public Works or their designate, but in no case shall the culvert be less than 300mm (12 in) in diameter and 8m (26ft) in length.

3.4 THAT no permanent entranceway will be installed between November 15th and May 15th of any year unless a specific exemption to this clause is issued by the Manager of Public Works or their designate.

3.5 THAT the location of the entranceway must be approved by the Manager of Public Works or their designate, to ensure maximum safety, free flow of traffic and compliance with municipal by-laws and to minimize the possibility of interference with the road or the creation of a maintenance problem.

3.6 THAT an entrance will not be permitted in a location that in the opinion of the Manager of Public Works or their designate would cause a traffic hazard. The applicant may be required to obtain a survey and/or Engineering review to demonstrate that safe access to the Township Road system is possible.

3.7 THAT sightlines for every entrance shall be based on a measurement of 1.4 meter (4.59 feet) (vertical) from the ground or at the discretion of the Manager of Public Works or designate.

3.8 THAT every person that applies for a new entrance shall also apply for an Emergency Response (e-9-1-1) number at a cost to the owner as specified by the Municipal Addressing/911 Sign System by-law. This fee is non-refundable. The application for an Emergency Response (e-9-1-1) number will not be deemed complete without an existing approved entrance or approved new entrance permit.

3.9 THAT a maximum of one entrance may be approved for each lot.

3.10 THAT a multiple occupancy commercial/industrial building, such as a shopping plaza, on one apparent block of land with a common access is given one Civic Number and each unit is assigned a unit letter (#1001 Shopping Plaza Road, Unit A).

3.11 THAT a cottage, resort, trailer park, or recreational vehicle park or campground shall be assigned one Civic Number and the individual units or sites may be identified by their internal unit or site numbers for a large unit range (e.g. #101 Trailer Park Road, Site 1).

3.12 THAT no new (additional) entrance permits shall be granted to existing lots which have an existing entrance whether shared or otherwise onto a Township Road, unless approved by the Manager of Public Works or their designate. Should a lot have more than one entrance, the Manager of Public Works or their designate, in their sole discretion, reserves the right to require the removal of as many entrances as required to comply with the provisions of this by-law.

3.13 THAT each front yard ditch filling onto a Township Road must be designed by an engineer and certified engineer drawings provided to the Township for review, at the expense of the owner, constructed and maintained in a manner that will accept surface water from the Township Road and prevent surface water from adjoining properties from being discharged onto the travelled portion of the Township Road. All permitted ditch filling is done at the applicant's risk with no guarantee of continued right of use.

3.14 THAT shared residential entrances should only be considered if individual entrances are not possible due to the physical and/or safety constraints above and beyond the spacing requirements identified in the Township Zoning By-law 2022-37. Permits may be issued for new shared residential entrances provided that:

3.14.1 The main buildings have the same use and qualify for the same entrance standard;

3.14.2 A legal framework is established to secure adequate access rights for all properties making use of the shared residential access;

3.14.3 All other requirements of this by-law are satisfied.

3.15 THAT in instances where the entrance or ditch filling occurs within a Municipal Drain, the applicant will be required to first obtain approval from the Drainage Superintendent and other applicable authorities to perform the work prior to applying for an entrance permit.

3.16 THAT any new pipes or works installed within Municipal Drains and their subsequent maintenance, repairs, alterations, replacements, surface repairs, etc., shall be the responsibility of the property owner. Work shall take place in accordance with provisions noted within the Drainage Act and approval obtained from the Drainage Superintendent and subsequently the Manager of Public Works as represented by the Township.

3.17 THAT no person shall apply asphalt or other hard surface to that portion of an entranceway on the road allowance of a Township Road except by a permit issued by the Manager of Public Works or their designate. The work shall be carried out under a

contractor approved by the Township and in accordance with Township specifications at the expense of the applicant.

3.18 THAT no person shall obstruct any drain or watercourse either situated on a Township Road allowance or providing an outlet for a watercourse on a Township Road allowance.

3.19 THAT any person found to be obstructing a drain or watercourse, as provided in 3.15 and 3.16 shall, when requested by the Manager of Public Works or their designate to do so, remove the obstruction and in default thereof, same shall be done by the Township at such person's expense, and the cost recovered by the Township through the tax account of the property.

3.20 THAT where a culvert in excess of 12m (40 ft) in length is required, as determined by the Manager of Public Works or their designate, the applicant shall be required to pay the entire cost of constructing as many catch basins as may be necessary in the opinion of the Manager of Public Works or their designate, to facilitate surface drainage from the roadway.

4.0 ENTRANCE PERMITS

4.1 Entrance permits are required for:

- 4.1.1 Creation of a new entrance (paved or unpaved).
- 4.1.2 Changing the design of an existing entrance.
- 4.1.3 Changing the location of an existing entrance.
- 4.1.4 Changing the use of an existing entrance (e.g from residential to commercial).
- 4.1.5 Construction of a temporary entrance or the use of any part of the highway right-of-way as a means of temporary access.
- 4.1.6 Construction of an off-road parking area.

5.0 ISSUANCE OF PERMITS

5.1 No applicant shall construct, alter or change an entrance or the classification (use) of an entrance or shall proceed with the filling or alteration of a front yard ditch adjacent to a Township Road, until they have obtained an approved permit and paid the prescribed fees.

5.2 Each application for permit shall be made on the prescribed Municipal Form attached herein as "Schedule B" with corresponding sketch/drawing of the proposed work attached for review and proof of property ownership or owner designation of authority for the performance of work included.

5.3 The granting of a permit shall be subject to provisions of this By-law and shall be issued on behalf of the Township by the Manager of Public Works or their designate.

5.4 Temporary permit applications are subject to a Municipal Consent application approval prior to approval for the temporary entrance permit.

5.5 Where an entrance is to be changed, or altered or where the property is used for any purpose other than its original use, a permit shall be required and for the installation must comply and be subject to all the provisions set out in this By-law.

5.6 An application for an entrance permit shall be completed whenever an applicant wishes to create an entrance as defined in section 4. The application shall be returned to the Manager of Public Works or their designate, for inspection of the described area and review of the proposed design. If the area and the design are acceptable to the Manager of Public Works or their designate, and receipt of prescribed fees is confirmed, then approval may be granted.

5.7 A building permit will not be issued, nor work commenced, until the applicant has obtained an entranceway permit in accordance with this by-law.

5.8 All costs associated with construction, alteration of an entrance, front yard ditch filling, construction of catch basins, curbs, gutters, sidewalks, islands, granular, pipes, vegetation or other necessary appurtenances shall be born entirely by the applicant and be determined necessary by the Manager of Public Works or their designate.

5.9 The sketch/drawing submitted with an entrance permit application must provide enough information to enable the Manager of Public Works or designate to locate the proposed entrance location, dimensions to building, and/or landmarks such as fences, hedgerows, tree lines, property lines, etc. In addition, the applicant shall stake out or suitably mark the location of the proposed entrance for inspection by municipal staff.

6.0 WORKS

6.1 The construction, repair or replacement of all entrance ways shall be carried out under the direction of the Manager of Public Works or their designate, whether performed by Public Works Staff, Township Staff, a Township contractor and/or subcontractor or an approved private contractor.

6.2 Where the applicant wishes to hire a private contractor to perform the work(s), the applicant/contractor shall provide and maintain liability insurance that is acceptable to the Manager of Public Works prior to any works begins.

6.3 Where an entrance way is being constructed, repaired or replaced by a private contractor:

6.3.1 The Manager of Public Works or their designate shall be informed, in advance, no later than 3 business days, of when the work is to take place;

6.3.2 Work shall not commence until the Township authorizes the start of the work;

6.3.3 The Manager of Public Works or their designate shall be permitted to oversee said work, as desired;

6.3.4 The Manager of Public Works or their designate shall be notified of completion of said work so that an inspection can be carried out.

6.4 The locations and mode of construction and repair of all entranceways shall be in accordance with standards and specifications established by the Manager of Public Works or their designate, as follows:

6.4.1 Residential entranceway culverts can be up to a total length of 9 meters (29.5 ft). Special culvert length provisions may be made by the Manager of Public

Works or their designate with regards to the depth of the entranceway culvert below the surface.

6.4.2 Agricultural entranceway culverts can be up to a total length of 16 meters (52.5 ft). Special culvert length provisions may be made by the Manager of Public Works or their designate with regards to the depth of the entranceway culvert below the surface.

6.4.3 Where an existing entrance is affected by the reconstruction of a Township Road or the reconstruction or cleaning of a ditch, the Township shall reinstate, existing residential entrances at the Township's cost, to match the existing layout or the current standards applicable under this by-law (whichever is greater as circumstances dictate) provided the entrance is deemed safe in the sole discretion of the Township. Commercial entrances impacted by Township initiated work will be reinstated in accordance with an applicable standard for the current commercial use. Restoration of surfaces will be with gravel (for non-paved entrances) or asphalt (for any hard-surfaced entrance). Reinstatement will be limited to the area physically disturbed during the work. Concrete and paver stone surfaces will not be replaced by the Township. Surface restoration will be identical to the road surface. Where there is more than one entrance onto a Township Road, the multiple entrances will be reinstated as above unless the entrance poses a safety concern, or, if otherwise agreed upon between the Township and the landowner.

7.0 MAINTENANCE

7.1 Where an existing entranceway is affected by the reconstruction of a Township Road, the Township will reinstate the entranceway at no cost to the property owner. The reinstatement will conform to this policy. Any salvaged materials of construction, shall remain the property of the Township.

7.2 The general maintenance and costs of all entranceways shall be the responsibility of the owner.

7.3 Head walls, retaining walls or structures (i.e. pillars, timber/railway tie/ block/ stone/ brick walls or any other type of material) at culvert ends shall not be permitted within the Township's Road allowance on roads with a speed limit greater than 50 km/h. These shall be removed by the applicant upon written direction issued by the Manager of Public Works or their designate. The Township will not be responsible for replacing repairing, or providing financial compensation for any structures connected with any entrance while doing any maintenance work within the road allowance.

8.0 COMPLIANCE

8.1 In the case that an entranceway or ditch either situated on a Township Road Allowance or providing an outlet for water discharged from the Township Road Allowance is filled in and does not satisfy the standards of the Township:

8.1.1 A registered letter shall be sent to the landowner stating that their entranceway for use of access to a specific roadway must be rectified within 15 days;

- 8.1.2 If after 15 days, the entranceway or ditch has not been rectified to the satisfaction of the Township, a second registered letter shall be sent to the landowner notifying them that action must be taken to rectify their entranceway within 15 business days of the date on which the second registered letter was sent, and if action is not taken, the Township will then have the authority to rectify the issue and bill the landowner for the work; and
- 8.1.3 Should the situation be deemed an emergency impacting the Township Road network, the notification process will be waived and action taken immediately at the cost of the owner;
- 8.1.4 If the landowner does not pay the bill issued by the Township for the work that was completed, the amount shall be added to the landowner's property tax account.
- 8.1.5 An Officer may enter upon the land, for the purpose of carrying out an inspection to determine whether any of the following are being complied with:
- 8.1.6 The provisions of this by-law;
- 8.1.7 A notice sent pursuant to this by-law; and/or;
- 8.1.8 An order made under section 431 of the Municipal Act, S.O. 2001, c25 as amended.

8.2 The Township, its employees, Officers and agents may enter onto the land, at any reasonable time, for the purpose of carrying out the work described under the Compliance provisions of this By-law.

9.0 FINAL INSPECTION

9.1 A field inspection shall be carried out by the Manager of Public Works or their designate upon commencement and/or completion of the work.

9.2 No person shall hinder, obstruct, or attempt to hinder or obstruct, a Township representative in the exercise of a power or the performance of a duty.

9.3 The Township may require modifications be performed if the installation of the entrance does not conform to the plans, specifications, and permit conditions.

9.4 In the event that modification is required, the Township shall provide written notice of the modifications to the applicant at the applicant's address as shown on the entrance permit application. The applicant shall carry out the required modifications within 30 days of the written notice and is responsible for the cost of the inspection and any modifications required.

10.0 OFFENCES AND PENALTIES

10.1 Where such owner, contractor or utility fails to provide or maintain all matters and things required by this by-law, upon written request by the Township, the owner, contractor or utility shall remedy the default thereof.

10.2 Where such remedy is not forthcoming as requested by the Township, the Township may, at the cost and expense of the applicant, utility or contractor do all such matters and things that are in default, failing which the Township may cause the expense to be added to the tax roll of the property and collected in like manner as taxes.

10.3 Every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.

10.4 A person who is convicted of an offence under this By-law is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000 .00 and a total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, S.O. 2001, c.25, as amended.

10.5 Upon registered a conviction for a contravention of any provision of this By-law, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this by-law, make an order prohibiting the continuation or repetition of the offence by the person convicted, Pursuant to Section 431 of the Municipal Act, S.O. 2001, c.24, as amended.

10.6 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this By-law, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expense of the person and such expense may be recovered by the Township in a like manner as taxes in accordance with the provision of Section 326 of the Municipal Act, S.O. 2001, c.24, as amended.

10.7 Every person who contravenes this by-law, including a notice to remedy issued under this By-law is guilty of an offence.

10.8 An Officer who has reasonable grounds to believe that a person has contravened any provision of this by-law may issue a notice to remedy, a notice of violation, an order to comply and every person shall comply with said notice or order.

11.0 VALIDITY AND SEVERABILITY

11.1 If any section, subsections, clause, paragraph or provision or part or parts thereof are declared by a Court of competent jurisdiction to be invalid, illegal, unenforceable, or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent there from and enacted as such.

11.2 Whenever any reference is made under this By-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

11.3 Nothing in this By-law takes precedence over any by-laws, resolutions, plans or agreements of the Township or other legislation.

12.0 GENERAL

12.1 That the following Schedules attached shall form and constitute part of his By-law:

Schedule "A" – Fee Schedule
Schedule "B" – Application Form

12.2 That By-law 2013-30 and all other By-laws previously passed that are inconsistent with the provisions of this By-law are hereby repealed in its entirety.

12.3 That this By-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 26 day of May, 2025.

Read a third and final time, passed, signed, and sealed in open Council this 26 day of May, 2025.

Mayor

Clerk

Bylaw 2025-29
Schedule "A" – Fee Schedule

Work Required:	Costs:
Administration Fee	\$100.00
Residential Standard Culvert Entrance (300mm [12 in] in diameter and 8m [26ft] in length)	\$1,100.00 plus Administration Fee
Agricultural or Commercial Special Culvert Entrance (300mm minimum [12 in] in diameter and 16 m [52ft] in length)	\$2,200.00 plus Administration Fee
Culvert Extension (up to 3m)	\$500.00 plus Administration Fee

*Note: Should the Manager of Public Works or their designate as represented by the Township determines the installation of a culvert is not required, a refund for the cost of the culvert installation will be issued excluding the \$100.00 administration fee will be provided.

Bylaw 2025 –29
Schedule “B” – Application Form

Entranceway Permit Application

ENTRANCEWAY APPLICATION:

Please note that a \$100.00 administration fee applies to all entranceway applications. In addition, a standard entranceway installation is \$1,100.00 (26' long X 18" diameter culvert). Additional costs may apply for non-standard culvert dimensions. Special or commercial entranceway installations are all material and labour cost. The price to submit this application is \$1,200.00.

All proposed entranceway locations are subject to inspection and approval by the Road Superintendent prior to installation. The applicant shall provide a sketch with this application and place a stake on the site clearly marking the center of the proposed entranceway. The wooden stake shall be flagged or painted orange/red at the top, and identified by the words "ENTRANCE LOCATION" on the side of the stake facing the road. Absence of a stake may result in delays to project implementation. Scheduling of the entranceway installation is contingent upon departmental work priorities in progress at the time of application.

Do you agree to these terms and conditions? (required)

I agree ☐

Please complete the following fields.

Which of the following best describes the changes you would like to make to your entranceway? *

New entrance ☐ Extension ☐ Repair/replacement ☐

*If new entrance please provide the following:

Permit # _____ Building permit # _____

Entranceway Location

If known, please provide the address of the location you are looking to have culvert work done. If not known, please provide a description of the area.

Street address 1 _____

Street address 2 _____

Road name _____

Town _____

Postal code _____

Lot _____

Please describe the location of the property. For example, 'directly north of 18 Centre Street.' If you are requesting a repair or replacement of an entranceway, just include your civic address.

Please include a sketch of entranceway location:

Are there any notes you would like to add?

Please complete the following fields.

Applicant information

First and last name: _____

Phone number: _____

Email address: _____

* Which of the following best describes you? *

☐ I am the property owner.

☐ I am an authorized agent of the property owner.

Signature: _____

Date: _____

Where the applicant wishes to hire a private contractor to perform the culvert installation, a two thousand dollar (\$2,000) refundable deposit shall be provided to the Township. Such deposit to be refunded once the Manager of Public Works or their designate has approved the final construction of the entrance way. Where the work is found to be non-conforming or substandard in any way, the deposit will be used in whole or in part to ensure full conformity with approved design standards. Any remaining amount in the deposit shall be reimbursed to the applicant.

Scheduling of the entranceway installation is contingent upon departmental work priorities in progress at the time of application. Applications are not deemed complete until payment is received in full.

Please remember to put a wooden stake flagged or painted orange/red at the top, and identified by the words "ENTRANCE LOCATION" on the side of the stake facing the road at the location you would like the entranceway. Absence of a stake may result in delays to project implementation.