

Private Approach Permit Application By-Law 2017-72



When is a Private Approach Permit required?

Being a By-Law to regulate the use of private approaches placed on municipal road allowances which provide access to private abutting lands. Without a Private Approach Permit, no person shall:

- construct new access onto adjacent municipal road allowance,
- relocate or move access to an alternate location within the municipal road allowance,
- alter or widen or change the access surface; and
- close a private approach

Instructions for Use

- Obtain copies of the Private Approach Permit Application and By-Law 2017-72 from either the City's engineering department, Public Works office or from the City's web site;
- Review the application and By-Law 2017-72 prior to submitting for a new Private Approach permit;
- To the best of your abilities, fill in all application sections and complete a plan drawing indicating the location of the private approach, street lines, property lines and other ancillary information (see attached example for residential property);
- Submit the application to either the City's engineering department or Public Work's office for review for completeness;
- If required by the City, the applicant will mark out the location of the proposed private approach for an onsite review by City staff.
- Within five business days, the City will be in contact with the applicant to finalize the permit.

Property Owner (Application must be made by Owner or Representative)

| | |
|----------------------------------|--------------|
| Owner Name: | Phone No.: |
| Address: | Postal Code: |
| Authorized Owner Representative: | Phone No.: |
| Address: | Postal Code: |

Address of Subject Property that Proposed Private Approach Will Service

| |
|--|
| Address (house number, street, postal code): |
| Legal Description (If municipal address not yet assigned): |
| Land Use (Discuss Commercial and Industrial Private Approaches directly with City Staff): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Intentional |
| Type of Installation: <input type="checkbox"/> New Private Approach <input type="checkbox"/> Existing Private Approach (widening or altering) |

Private Approach Permit Application By-Law 2017-72



Dimensions and Orientation (see example drawing)

| | | | |
|---|---|--|--------------|
| Does Private Approach cross a curb? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is length (A)? Curb will need to be adjusted. | ___m |
| Does Private Approach cross a ditch? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is depth (B)? Also, see Culvert Installation below (*1 and *2). | ___m |
| Does Private Approach cross sidewalk? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is length (C)? | ___m |
| Is the Private Approach a widening of an existing access? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, what is the width (D)? | ___m |
| Is there an existing private approach on the same frontage? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is the width of frontage (E)? | ___m |
| Is the Private Approach beside an adjacent lot? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is the distance from the edge of the access to the lot line (F)? | ___m |
| Is the Property a corner lot? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is distance to edge of road (G)? | ___m |
| Is the Private Approach Perpendicular to Road? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If No, what is angle (H)? | ___° |
| Is there any infrastructure (pole, hydrant, sign, etc.) adjacent to Private Approach? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, what is the object (pole, hydrant, sign, etc.) and offset from edge of Private Approach? | Show on plan |

Note: The dimensions provided will be indicated on the applicant's plan drawing (see Residential Drawing Example)

Culvert Installation

| | | |
|----|---|--|
| *1 | New Private Approach will require a new culvert. Discuss with City Staff | Length of culvert _____m Diameter of culvert _____m |
| *2 | Widened existing Private Approach will require a culvert extension(s). Discuss with City Staff | Number of culvert extensions _____ Length of culvert extension _____m, _____m Diameter of culvert extension _____m |

Consideration for Private Approach

| | | | |
|--|---|---|---------|
| Is this a requirement of a building permit? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, provide Permit Number and complete Private Approach Permit Application | # _____ |
| Is this property going through a City Development review/approval process? (zoning, site plan control) | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, indicate type of review/approval process. Private Approach Permit Application is not required | _____ |
| Are Sewer and/or Water service(s) being installed or replaced at this address? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, then Street Work Permit and/or service contract may be required. Discuss with City staff | |
| Are other permits required from DFO, NBMCA, Hydro, Etc. | <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, provide all Information on additional permits to City | |

Private Approach Permit Application By-Law 2017-72



Contractor

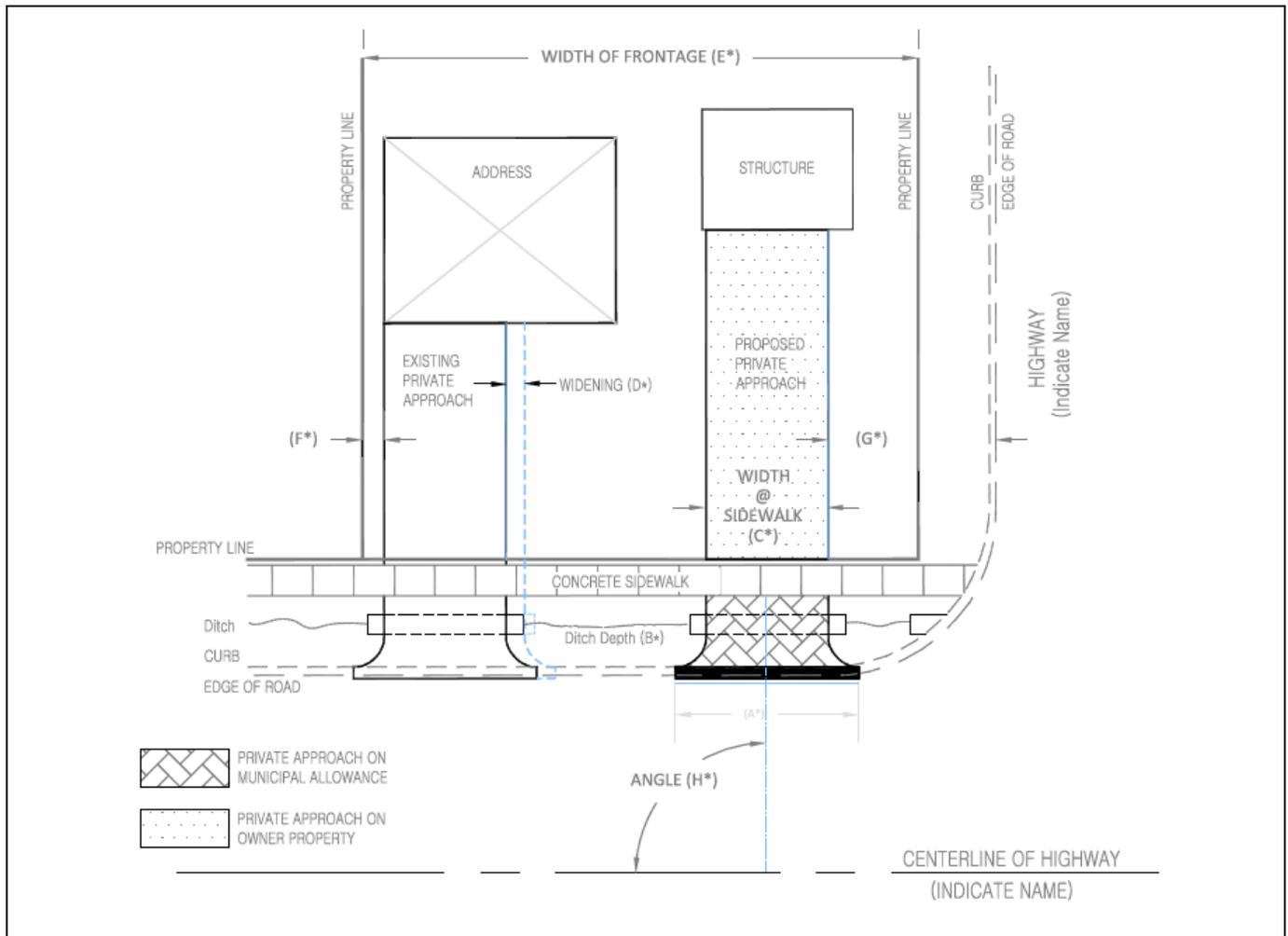
Contractor Information (Construction will be Completed By):

| | | |
|--------------------------------------|---|--|
| <input type="checkbox"/> City Forces | <input type="checkbox"/> Contractor (Complete below) | <input type="checkbox"/> Other _____ (Complete below) |
| Contractor Name: | Address: | Phone Number: |
| Engineer/Architect: | Address: | Phone Number: |

Private Approach Widths (within municipal right-of-way)

| | Residential Zone Minimum Width | Residential Zone Maximum width | Commercial Zone Minimum Width | Commercial Zone Maximum width | Industrial Zone Minimum Width | Industrial Zone Maximum width |
|--------------|---|---|--|--|--|--|
| One-way Ramp | 3.0m | 4.3m | 4.5m | 7.5m | 5.0m | 9.0m |
| Two-way Ramp | 6.0m | 7.3m | 7.2m | 12.0m | 9.0m | 15.0m |

Example of Residential Private Approach Plan of Drawing



Private Approach Permit Application By-Law 2017-72



General Notes

1. High-density polyethylene (HDPE) will be used for culvert material and culvert extensions unless otherwise approved by the City;
2. Legal survey plan may be required from the applicant at the City Engineers request;
3. Street work permit and/or service contract may be required by City of North Bay Public Works and will be determined through the application review;
4. Culvert installation, curb & gutter replacement and other ancillary work within the municipal right-of-way must be completed by either an acceptable Contractor or City Forces; and
5. Prior to construction, underground utility locates must be obtained by the Contractor performing the work. If existing overhead utilities are present at driveway, the Contractor is responsible for contacting utilities to verify acceptable clearances.

For Office Use Only

| | | |
|--|---|--|
| Private Approach Permit including Inspection. For construction on municipal road allowance add the cost of the street work permit | <input type="checkbox"/> Yes <input type="checkbox"/> No | \$210.00 plus HST |
| Street Work Permit (required for any installation on municipal road allowance) | <input type="checkbox"/> Yes <input type="checkbox"/> No | \$65.00 plus HST |
| New entrance culvert or culvert extension(s) using City of North Bay Labour and Materials. (requires a service contract) | <input type="checkbox"/> Yes <input type="checkbox"/> No | Labour and Material cost to be determined by the City |
| Existing Curb removed and replaced with mountable curb for access. (requires a service contract) | <input type="checkbox"/> Yes <input type="checkbox"/> No | Labour and Material cost to be determined by the City |
| Existing Sidewalk removed and replaced with new sidewalk to match grade of access. (requires a service contract) | <input type="checkbox"/> Yes <input type="checkbox"/> No | Labour and Material cost to be determined by the City |
| Where work on a Private Approach is completed on a Municipal right-of-way by a Contractor and not the City (requires a service contract) | <input type="checkbox"/> Yes <input type="checkbox"/> No | Administration cost will be determined by the City and included with the service contract. |
| Amount Paid | | \$ _____ |

| | |
|-----------------------------|----------------------------|
| Permit Number: _____ | Date Issued (M/D/Y) _____ |
| Authorized Signature: _____ | Date Expires (M/D/Y) _____ |

Comments:

**The Corporation of the City of North Bay
By-Law No. 2017-72**

(Private Approach By-Law)

**Being a By-Law to regulate the use of private approaches placed on
municipal road allowances providing access to private abutting lands in the
City of North Bay**

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The Corporation of the City of North Bay

By-Law No. 2017-72

Being a By-Law to regulate the use of private approaches placed on municipal road allowances providing access to private abutting lands

Whereas section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And whereas section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality considers necessary or desirable for the public; and in paragraph 8, protection of persons and property;

And whereas section 96 of the *Municipal Act, 2001* provides that a municipality may, for the purpose of preventing damage to property in the municipality as a result of flooding, exercise its powers under the “drainage and flood control” sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

And whereas section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under the *Municipal Act, 2001* shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

And whereas section 391(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

And whereas section 429 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*;

And whereas the City deems it necessary to regulate the use of private entrances placed on municipal road allowances providing access to private abutting lands;

Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation

- 1.1 This By-Law may be cited as the “Private Approach By-Law”.
- 1.2 If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 1.3 For the purposes of this By-Law, the following definitions shall apply:

“Apartment” means a building consisting of five or more dwelling units, which units have a common entrance either directly to the outside or through a common vestibule and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above but shall not include a townhouse.

“Boulevard” means and includes all portions of the highway save and except the sidewalks, shoulder, and roadway.

“Chief Financial Officer” means the Chief Financial Officer / Treasurer for the City or his/her authorized representative.

“City” means The Corporation of the City of North Bay.

“City Engineer” means the Managing Director of Engineering, Environmental Services and Public Works for the City or his/her authorized representative.

“Contractor” means a person who contracts to undertake the execution of work commissioned by an owner or the City pursuant to this By-Law.

“Culvert” means a sub-surface pipe with a circular, elliptical or rectangular cross-section of corrugated steel, or any other such material approved by the City Engineer, which acts as a conduit for storm water within a highway.

“Farm” means a parcel of land used for agricultural purposes including the growing of crops and raising of animals;

“Farm Entrance” means an opening on to a highway from a farm for access to barns, out-buildings or the farm residence;

“Field Entrance” means an opening on to a highway from a farm field for the passage of vehicles and animals, for cartage, and for any other agricultural purposes;

“Frontage” means the length of the common boundary between privately-owned land and the highway or highways;

“Gas Bar” means the use of lands, buildings, or structures where vehicle fuel or lubricants are offered for sale, but where no provision is made for the repair or maintenance of vehicles. For the purpose of this definition, a gas bar may include a convenience store or an automobile washing establishment as an accessory use.

“Grade” means the percentage (%) rate of the rise or fall of the private approach with respect to the horizontal;

“Headwall” means a vertical wall at the end of a culvert used to prevent earth from spilling into the ditch;

“Highway” means a public way for purposes of vehicular or pedestrian travel, including the entire dedicated area, with or without provision made for curbs, sidewalks and/or paved gutters and owned and maintained by the City or Ministry of Transportation and, except as otherwise provided herein, includes the area between the lateral property lines thereof;

“Highway Line” means the line forming a common boundary between private property and the highway;

“Intersection” means the area within the projection or connection of the lateral boundary lines of two or more highways that meet one another at an angle whether or not one highway crosses the other;

“Not-for-Profit Corporation” means a corporation that operates without profit or gain for special or charitable purposes such as, but not limited to, a club or a community centre, but does not include a church, school facility, public park, playground, arena, stadium, swimming pool, skating rink, commercial-recreational establishment or any class of group home.

“Owner” means any person who is the registered owner of land abutting a highway, or any agent thereof, or a person entitled to a limited estate in the land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person who is an owner of the land, an executor of an estate which includes the land, or an administrator or guardian who has responsibility for the land on behalf of the owner.

“Parking Space” means that portion of a parking area, exclusive of any driveway or aisle, which is used for the parking of not more than one motor vehicle;

“Person” includes any person, association, partnership, corporation, municipal corporation, corporation created under the *Condominium Act, 1998*, SO 1998, c. 19, organization, agent or trustee, heir, executor or other legal representative of a person to whom the provisions and regulations of this By-Law can apply according to law.

“Private Approach” means an improved surface and, where required, a culvert within a highway and used by the owner or occupant of private property adjacent to the highway for vehicular access.

“Private Property” means all land other than City and Crown land.

“Property Line” means the common boundary line between adjacent private properties.

“Public Garage” includes a gas bar, a parking station, a parking lot, a building or place where motor vehicles are hired or kept or used for hire, a building or place where vehicles, gasoline or oils are kept for sale, a building or place used as an automobile service station, and a building or place used for washing or cleaning motor vehicles.

“Residential Property” means a property for which the sole use is a residential purpose, but does not include an apartment dwelling as defined in the Zoning By-Law or a condominium registered under the *Condominium Act, 1998*.

“Roadway” means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

“User Fee By-Law” means The Corporation of the City of North Bay’s User Fee By-Law No. 2015-23 and any successor by-law thereto.

“Shoulder” means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel, for the use of vehicles.

“Sidewalk” means that part of a highway set aside by the City for the use of pedestrians.

“Street Line” means the line defined by the edge of pavement, curb or travelled roadway.

“Temporary Private Approach” means a private approach permitted by the City Engineer for a temporary period during construction, repair or improvement on private property or for any other purpose approved by the City Engineer.

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, bicycle, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the *Highway Traffic Act*, RSO 1990, c. H.8, but does not include a motorized snow vehicle or a street car.

“Zoning By-law” means the City of North Bay Zoning By-law No. 2015-30, as amended, and any successor by-law thereto.

Part 2 – Private Approach Permit

- 2.1 No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the City Engineer in accordance with the provisions of this By-Law.
- 2.2 Despite section 2.1, a private approach permit is not required for a private approach approved through the City's Site Plan, Subdivision or Condominium approval process.
- 2.3 An application for a permit under this By-Law shall be made by the owner or authorized representative of the owner.
- 2.4 The applicant for a private approach permit shall pay a permit fee that includes an inspection fee for the private approach installation as set out in the User Fee By-Law.
- 2.5 No permit shall be issued for a private approach the purpose of which is to provide access to a parking space or parking area which is contrary to the City's Zoning By-Law or any other City by-law.
- 2.6 When applying for a private approach permit, the applicant shall provide a plan showing the following required information with the application:
 - (a) the dimensions of the private property for which the application is being made;
 - (b) the dimensions of any adjoining property owned by the applicant/owner;
 - (c) the location and dimensions of the parking space or parking area;
 - (d) the location and distance to any intersection along the street line;
 - (e) if required by the City Engineer, an up-to-date legal survey plan of the private property;
 - (f) the size, type of construction, and grade of each existing and proposed private approach;
 - (g) the dimensions of any existing culverts;
 - (h) the location of any controlled access designation which has been applied to the frontage; and
 - (i) any 0.3 metre reserves which may exist between the private property for which the application is being made and the adjacent highway.
- 2.7 If the City Engineer is satisfied that an application for a private approach complies with the provisions of this By-Law, approval shall be granted in writing in the form of a permit by the City Engineer. Where a culvert is required for the private approach, pursuant to section 3.10 of this By-Law, the permit will confirm culvert size, material type and other relevant information and the installation will be subject to the applicant obtaining a street work permit. When the street work permit is issued, offset grades for the culvert will be provided.
- 2.8 A private approach permit expires on the date specified by the City Engineer in the permit.

Part 3 – General Regulations

- 3.1 Any person constructing a private approach, or causing a private approach to be constructed, shall ensure that it is constructed in accordance with the provisions of this By-Law.
- 3.2 A private approach shall conform to the width requirements provided by s. 4.3.1.6 of the Zoning By-law as set out in Table 1, below:

Table 1 - Ramp Widths:

| | Residential Zone | | Commercial Zone | | Industrial Zone | |
|--------------|------------------|---------------|-----------------|---------------|-----------------|---------------|
| | Minimum Width | Maximum Width | Minimum Width | Maximum Width | Minimum Width | Maximum Width |
| One-Way Ramp | 3 m | 4.3 m | 4.5 m | 7.5 m | 5 m | 9 m |
| Two-Way Ramp | 6 m | 7.3 m | 7.2 m | 12 m | 9 m | 15 m |

- 3.3 The centerline of a private approach shall intersect the centerline of the roadway as nearly as practicable at a right angle, but in no case shall the acute angle between the centre line of the private approach and the centerline of the roadway be less than 70 degrees.
- 3.4 No person shall construct on a private approach any curbing, headwalls, decorative stonework or landscaping or place any object on a roadway or sidewalk, the height of which extends above the level of the shoulder or the private approach.
- 3.5 The sloped or ramp portion of a private approach shall not extend into the roadway.
- 3.6 Every subsurface melting device installed under a private approach shall be maintained at the expense of the owner of the property adjoining or connected with the private approach.
- 3.7 Despite any other provisions of this By-Law, the City Engineer may alter, or require to be altered, the direction of the grade and horizontal distances on which the direction of the grade applies on a private approach, provided such alterations do not create any drainage issues or hazardous conditions.
- 3.8 Despite any other provisions of this By-Law, no person shall construct a private approach that, in the opinion of the City Engineer, will create hazardous conditions due to inadequate sight lines, horizontal or vertical alignments or other considerations.
- 3.9 The City Engineer may specify a location and design for a private approach that, in the City Engineer's opinion, will eliminate or minimize such hazardous condition.
- 3.10 Where no pipe storm sewer system is available, the construction of a private approach may require a culvert, as determined by the City Engineer, in which case the applicant will also require a street work permit. This construction shall be carried out by the applicant's contractor, or the City at the applicant's expense.
- 3.11 The applicant for a private approach permit shall, along all frontages of the property for which an application has been approved, remove any private approach, culvert, curb, sidewalk or ancillary installation which becomes redundant and shall also remove any private approach which contravenes this

By-Law by reason of the construction, relocation or alteration of any private approaches as proposed in the application.

- 3.12 Any removal as prescribed by section 3.11 shall be carried out by the owner at the same time as the construction of the private approaches in accordance with the terms of the permit issued by the City Engineer.
- 3.13 Every person who closes a private approach shall reinstate, at his or her expense, the sidewalk, shoulder, curb and boulevard to City standards.
- 3.14 The maintenance and replacement of a private approach, including any curbs, headwalls and culverts, shall be the responsibility of the abutting owner, except as provided for under sections 3.15 and 3.16 of this By-Law.
- 3.15 Notwithstanding any other provisions in this By-Law relating to responsibility for costs, where a private approach to a Residential Property abuts an arterial or collector highway as designated on the City's Official Plan, or crosses a major storm sewer as determined by the City Engineer, the maintenance and replacement of the private approach shall be the shared responsibility of the abutting owner and the City in accordance with the following:
 - (a) the owner will be responsible for the first \$2,000 of the replacement cost;
 - (b) the City will be responsible for the balance of the costs; and
 - (c) resurfacing will be to City standards (gravel) provided that, should the owner wish to upgrade the resurfacing, the owner will be solely responsible for the costs of the upgrading.
- 3.16 Notwithstanding any other provisions in this By-Law relating to the responsibility for costs, where a private approach abuts a property where the owner is a not-for-profit corporation as defined by this By-Law and the owner's use of the property would be classified as "Non-Profit use" under the Zoning By-Law, the maintenance and replacement of the private approach shall be conducted by the City at no expense to the not-for-profit corporation.
- 3.17 Where a private approach to a property with 50 or more parking spaces carries traffic which, in the opinion of the City Engineer might impact adversely the quality of traffic service on the adjacent highway, the owner shall:
 - (a) provide an access impact study;
 - (b) pay for additional road works required to maintain the quality of traffic service on the adjacent highway, including channelization, deceleration lanes, weaving lanes and traffic control signal installations, which shall be constructed to the satisfaction of the City Engineer; and
 - (c) convey at no cost to the City any land required for the purposes set out in subsection (b).
- 3.18 Where a private approach has been approved for the exclusive use of North Bay Fire and Emergency Services vehicles, the private approach shall be constructed according to City standards for access to fire routes.
- 3.19 Where the City undertakes any capital construction or reconstruction work on a highway that affects a private approach:
 - (a) the City shall undertake restoration of the private approach to City standards, at no cost to the owner; and
 - (b) if the private approach does not conform to this By-Law, the City shall replace the non-conforming private approach:

- (i) with a new conforming private approach; or
- (ii) where, in the opinion of the City Engineer, it is not possible to conform to this By-Law, with a non-conforming private approach in a location and with a design approved by the City Engineer, provided no operational or safety concerns result.

Part 4 – Private Approaches for Public and Institutional Purposes, Commercial and Industrial Properties and Apartment Dwellings

- 4.1 In addition to any other provisions of this By-Law, the provisions of this Part apply to private approaches for public, institutional, commercial and industrial purposes and apartment dwellings.
- 4.2 The maximum number of private approaches permitted for properties used for public, institutional, commercial, or industrial purposes and apartment dwellings shall be based on the amount of frontage, as follows:
- (a) properties with less than 20 metres of frontage: one two-way private approach;
 - (b) properties with 20 metres to 34 metres of frontage: one two-way private approach or two one-way private approaches;
 - (c) properties with 35 metres to 45 metres of frontage: two two-way private approaches or two one-way private approaches;
 - (d) properties with 46 metres to 150 metres of frontage, one two-way private approach and two one-way private approaches; or two two-way private approaches; and
 - (e) for each additional 90 metres of frontage in excess of 150 metres, one two-way private approach or two one-way private approaches.
- 4.3 On a corner lot or a lot abutting on more than one highway, the provisions of section 4.2 of this By-Law shall apply to each frontage separately.
- 4.4 Despite the provisions of section 3.2 of this By-Law, private approaches in excess of 9 metres in width at the street line, and at the curb line or edge of roadway, may be permitted for off-street bus loading areas, transport loading areas and stations operated by the North Bay Fire and Emergency Services or other such areas as deemed required by the City Engineer.
- 4.5 Where, in the opinion of the City Engineer, it is desirable to provide a median between two private approaches intended for one-way operation:
- (a) the median shall have a minimum width of 2 metres; and
 - (b) the length of the median shall be determined by the City Engineer.
- 4.6 All one-way private approaches shall be designated with suitable signs erected in a conspicuous location adjacent to the highway to indicate the direction of traffic for which the private approach is intended, and all signs shall be erected and maintained by the owner to the satisfaction of the City Engineer.
- 4.7 The minimum distance between the nearest limits of a private approach intended for two-way vehicular traffic and any other private approach to the same property shall be not less than 9 metres measured at the street line and at the curb line or roadway edge.

- 4.8 The minimum distance between the nearest limits of any two private approaches intended for one-way vehicular traffic to or from the same property shall not be less than 2 metres, measured at the street line and at the curb line or roadway edge.
- 4.9 Despite the provisions of sections 4.7 and 4.8, where a property abuts on or is within 46 metres of an arterial or collector highway as designated on the City's Official Plan, the minimum distance permitted between a private approach and the nearest intersecting street line or any other private approach shall be as set out in Table 2 below, with all distances being measured at the street line:
- (a) in the case of a shopping centre, a public parking lot, a parking lot for the use of customers of a retail or wholesale business, a public garage, a personal service establishment or an eating establishment, any of which has a parking area which can accommodate the number of parking spaces set out in Column 1 of Table 2 below, the minimum distance shall be as set out in the corresponding rows of columns 3 and 4 of Table 2; and
 - (b) in the case of a hotel, an office building, an apartment building, a property used for public purposes, or an industrial development, any one of which has a parking area which can accommodate the number of parking spaces set out in Column 2 of Table 2, the minimum distance shall be as set out in the corresponding rows of columns 3 and 4.

Table 2 – Minimum Distances Required from Private Approach:

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|--|--|
| Number of Parking Spaces s. 4.10(a) | Number of Parking Spaces s. 4.10(b) | Minimum Distance Between Private Approach and Nearest Intersecting Street Line | Minimum Distance Between Two-Way Private Approach and Any Other Private Approach |
| Up to 40 | 20 to 99 | 18 metres | 15 metres |
| 50 to 99 | 100 to 199 | 30 metres | 30 metres |
| 100 to 199 | 200 to 299 | 45 metres | 45 metres |
| 200 to 299 | 300 or more | 60 metres | 60 metres |
| 300 or more | | 75 metres | 75 metres |

- 4.10 Where an owner whose property abuts two or more highways is unable to comply with the provisions of section 4.9 of this By-Law, a private approach shall be permitted only on the highway carrying the lesser volume of vehicular traffic and the private approach shall be located as far from the nearest intersection as possible. In cases where the vehicular traffic volumes on the abutting highway are essentially equal, a private approach shall be permitted only on the highway which allows the private approach to be located as far from the nearest intersection as possible.
- 4.11 No person shall construct a private approach within an intersection or on the corner radius of an intersection or within 1.5 metres of the point of tangency of such radius or so that the distance between the nearest limit of a private approach and the intersecting street line or its extension is less than 9 metres.
- 4.12 No person shall construct a private approach within 3 metres of any property line measured at the highway line and at the curb or the edge of the roadway unless the property abuts only one public highway and the width of the frontage does not allow a private approach width as required by this By-Law in addition to the 3 metres offset from the adjoining property lines, in which case the City Engineer

may reduce the offset to a minimum of 0.3 metres provided that the proposed access is located:

- (a) a safe distance from the access serving the adjacent property;
 - (b) in such a manner that there are adequate sight lines for vehicles exiting from the property; and
 - (c) in such a manner that it does not create a traffic hazard.
- 4.13 Subject to section 4.12, in the case of a private approach including a culvert, the 3 metre setback from the adjacent property line shall be measured from the end of the culvert, headwall or closest part of the private approach to the adjacent property line.
- 4.14 Despite section 4.12, a private approach may be constructed in such a manner that it is less than 3 metres from an adjoining property measured at the highway line and at the curb line or edge of the roadway if it is approved through Site Plan Control in accordance with the provision of the *Planning Act*, RSO 1990, c. P.13.
- 4.15 No person shall construct a private approach serving any parking area with a grade exceeding 2% and the grade on the private approach shall descend in the direction of the roadway.
- 4.16 No person shall construct a private approach serving a parking area with less than 50 parking spaces, with a grade exceeding 2% within the private property for a distance of 6 metres from the highway line or future highway line.
- 4.17 No person shall construct a private approach serving a parking area with more than 50 parking spaces, with a grade exceeding 2% within the private property for a distance of 9 metres from the highway line or future highway line.
- 4.18 Despite sections 4.16 and 4.17, the City Engineer may issue a permit for a private approach subject to such conditions and restrictions as the City Engineer may deem necessary, provided that the proposed access is located:
- (a) a safe distance from the access serving the adjacent property;
 - (b) in such a manner that there are adequate sight lines for vehicles exiting the property; and
 - (c) in such a manner that it does not create a traffic hazard.

Part 5 – Private Approaches to Farms and Fields

- 5.1 A private approach for a farm entrance or a field entrance shall be subject to any conditions which the City Engineer may, from time to time, deem necessary for the safe and efficient movement of vehicles on a highway.
- 5.2 When imposing conditions on the granting of a permit for a private approach for a farm entrance or a field entrance, the City Engineer shall consider the effect of the proposed private approach on the movement and safety of vehicles and pedestrians, possible future uses of the adjacent highway, and any other factors deemed relevant in the circumstances.
- 5.3 The grade on a private approach for:
- (a) a farm entrance shall not exceed 6 %; and
 - (b) a field entrance shall not exceed 10 %.

Part 6 – Temporary Private Approach

- 6.1 Despite any other provision of this By-Law, the City Engineer may issue a permit for a temporary private approach, subject to such conditions and restrictions as the City Engineer may, from time to time, deem necessary for the safe and efficient movement of pedestrians and vehicles, including the removal and reinstatement of traffic signs and traffic signals.
- 6.2 When a temporary private approach requires the hooding or removal of parking meters, the permit holder shall be responsible for the costs of the hooding or removal and for all municipal costs associated with the temporary private approach, including lost parking meter revenues.
- 6.3 When a temporary private approach requires the erection, removal or relocation of any traffic control device including, but not limited to, traffic signals and traffic signs, the permit holder shall be responsible for the cost of all work involved to the satisfaction of the City Engineer.

Part 7 – Owner to Remedy Defects

- 7.1 In the event that the City Engineer becomes aware that the condition of a private approach does not comply with the provisions of this By-Law, the City Engineer shall provide written notice to the owner, which shall include:
 - (a) a description of the nature of the non-compliance;
 - (b) an order to bring the private approach into compliance with this By-Law;
 - (c) the time within which compliance must be achieved, which shall be a reasonable time frame at the discretion of the City Engineer, and taking into account whether there are any transportation or safety conflicts; and
 - (d) notice that, in default of the work being done by the owner within the time required, the City may bring the private approach into compliance, at the owner's expense.
- 7.2 Where the City Engineer orders an owner to bring a private approach into compliance under this By-Law, the owner shall do so within the time provided in the notice, to the satisfaction of the City Engineer.
- 7.3 If compliance is not achieved within the time provided in the notice, the City Engineer may, at his or her discretion cause the necessary work to be done to bring the private approach into compliance, at the owner's sole expense.
- 7.4 In the event that the City Engineer exercises the authority to conduct remedial work under this Part, the City may recover the costs of doing the work:
 - (a) by invoicing the owner; and
 - (b) in the event that the owner fails to make payment in full by the due date indicated in the invoice, by adding the costs to the tax roll, in which case the costs will be collected in the same manner as property taxes, and the provisions of section 446 of the *Municipal Act, 2001* with respect to interest and liens shall apply.
- 7.5 The City shall not be liable for any loss or damage to property or otherwise, which may arise from the work carried out by the City in accordance with this Part.

Part 8 – Removal of Unauthorized Private Approaches

- 8.1 In the event that the City Engineer becomes aware of an unauthorized private approach, he/she may give notice to the owner of the property to remove forthwith the unauthorized private approach and to reinstate the highway to the condition it was in before the unauthorized private approach was constructed. In such event, the notice, default, remedial, cost recovery and liability provisions of Part 7 of this By-Law shall apply with the necessary modifications.
- 8.2 When an unauthorized private approach is being constructed on a highway, the City Engineer may take whatever action he/she deems necessary to stop the work.
- 8.3 A private approach that has been installed in a manner that does not comply with the provisions of this By-Law and the City's standards may be considered by the City Engineer as an unauthorized private approach.

Part 9 – Enforcement

- 9.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, the City or any of its officers, contractors, agents, servants or workers in the exercise of any power conferred by this By-Law.
- 9.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any by-law enforcement officer authorized by the City to enforce this By-Law in the execution of his or her duties relating to enforcement of this By-Law.
- 9.3 Any person who contravenes any provision of this By-Law is guilty of an offence.
- 9.4 Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-Law is guilty of an offence.
- 9.5 Any person who fails to comply with an order made by the City Engineer pursuant to the provisions of this By-Law is guilty of an offence.
- 9.6 Any person who contravenes an Order issued by a court pursuant to this By-Law is guilty of an offence.
- 9.7 Any person who is found guilty of an offence under this By-Law is liable to a minimum fine of \$200.00 and a maximum fine of \$50,000.00.
- 9.8 Notwithstanding the provisions of section 9.7, where the person found guilty is a corporation, the corporation is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00
- 9.9 If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 9.10 Any fine imposed under this Part shall be payable in addition to any fees, charges and costs payable under this By-Law.

Part 10 – Liability for Damages

- 10.1 In addition to any other provisions of this By-Law and in addition to any penalty or remedy pursuant to this By-Law, any person who violates the provisions of the

By-Law is liable for all damages occasioned to the City thereby, payable to the City forthwith.

Part 11 – Coming into Force

11.1 This By-Law shall come into force and take effect upon being passed.

Read a First Time in Open Council this 31st day of October, 2017.

Read a Second Time in Open Council this 31st day of October, 2017.

Read a Third Time in Open Council and Enacted and Passed this 31st day of October, 2017.

Mayor Allan McDonald

City Clerk Karen Mclsaac

SIRE/C01/2017/BYLAWS/PRIVATEAPPROACH