

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2006-19

Being a by-law to regulate the installation of culverts placed on Municipal Road Allowances to provide access therefrom to private abutting lands.

WHEREAS Section 8 of the Municipal Act, 2001 states a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 9 (3) of the Municipal Act, 2001 states without limiting the generality of subsection (1) and (2), a by-law under section 11 respecting a matter may regulate or prohibit respecting the matter and as part of the power to regulate or prohibit respecting the matter require persons to do things respecting the matter, provide for a system of licenses, permits, approvals, or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a license, permit, approval or registration; and

WHEREAS Section 11 of the Municipal Act, 2001 states a single-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction 1.) Highways, and 6.) Drainage and flood control; and

WHEREAS it is deemed expedient for the purpose of uniform installation of all such culverts that certain regulations be established by the Municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN ENACTS as follows:

1. That land owners requiring an entrance must have approval of the Municipality of Powassan Public Works Superintendent or other delegated Municipal Official, prior to installation. The entrance location must be approved by the Public Works Superintendent or other delegated Municipal Official.
2. The Public Works Superintendent or other delegated Municipal Official will determine the need for a culvert. Should a culvert be deemed necessary, it shall conform to a Municipal standard as follows:
 - a. The culvert must be new.
 - b. Culverts must have a minimum diameter of 400 mm unless otherwise agreed upon.
 - c. Culvert length must be a minimum of twenty (20) feet.
 - d. The Public Works Superintendent or other delegated Municipal Official may demand a larger and or longer culvert if he/she feels it is warranted.
 - e. The culvert must be corrugated steel construction.

- f. The land owners purchase and install their own culvert under the supervision of the Public Works Superintendent or other delegated Municipal Official. Culverts shall be installed in accordance with the enclosed "Schedule A". Please note that driveways should be sloped to edge of the roadway.
 - g. The Municipality will maintain the culvert upon satisfactory installation.
 - h. The required form for an Entrance Permit must be properly filled out.
 - i. There will be no entrance permit required or fee payable for an entrance onto a provincial highway. A copy of the Ministry of Transportation permit must be submitted to the Public Works Superintendent.
 - j. One entrance per residential dwelling is allowed and to be determined by the Public Works Superintendent and marked on the entrance permit. A second entrance must meet the following requirements stated in "Schedule B".
 - k. No deterioration of any of the above standards shall occur without written permission of the Public Works Committee.
3. It is the applicant's responsibility to assure compliance with this policy. Failure to comply within fifteen (15) days after written notification of the problem has been sent will result in the Municipality hiring a contractor to do the work at the expense of the applicant.
4. No building permit shall be issued by the Municipality for any building to be erected on private land, the access to which, in the opinion of the Public Works Superintendent or other delegated Municipal Official, requires the installation of a culvert until such culvert has been installed.

READ A FIRST TIME and considered read a SECOND and THIRD time and passed as such in open Council meeting this 6th day of June, 2006.

Mayor

Clerk

Schedule “B” to By-Law 2006-20

Additional Driveways

To further clarify any new driveway must be a minimum of 6.0 metres (20.0 ft) wide. Also, in order to allow for two driveways to be located on one lot or a driveway adjacent to an intersection there must be a minimum of 8.0 metres (26.0 ft) distance between the two. If a property owner wishes to for whatever reason, construct another driveway, they must meet these guidelines.

Fee for All Entrance Permits

\$50.00