

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT**

**BY-LAW NO. 2023 - 05**

**A By-Law to Amend By-law 2021-16, being a By-law to Regulate Entrances, Including the Installation and Replacement of Culverts.**

**WHEREAS** pursuant to section 2 (5) subsection (3) of the *Municipal Act*, S.O. 2001, c 25, as amended, the power of the Council of the Corporation of The Township of Tarbutt shall be exercised by By-Law; and

**WHEREAS** Section 9 of the *Municipal Act*, 2001, as amended, grants municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

**WHEREAS** Section 10 of the *Municipal Act*, 2001, confers broad authority to a single tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public; and

**WHEREAS** Section 27 (1) of the *Municipal Act*, 2001, provides that a Municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway; and

**WHEREAS** the Council of The Corporation of The Township of Tarbutt has deemed it necessary to regulate the installation and replacement of all new and existing entrances and culverts under the jurisdiction of the Township, including materials, labour and equipment;

**NOW THEREFORE** The Corporation of The Township of Tarbutt pursuant to the provisions of the *Municipal Act*, 2001, as amended, enacts as follows:

**1. DEFINITIONS:**

- 1.1 *Culvert* shall mean a drain, channel or tunnel placed in the ground under a road, bridge or other means which purpose is to convey water from one side of a roadway, entrance or similar traffic embankment to the other. Culvert and Pipe shall have the same meaning for the purposes of this by-law.
- 1.2 *Cost* shall mean the fee to be paid by a property owner or contractor who procures a culvert from the Township, whether installed by the Township or the property owner, and which shall match the price the Township paid for the culvert in the current year, plus an administrative fee of \$30.00.
- 1.3 *Entrance* means any driveway, laneway, private road, or other structure or facility constructed or used as a means to or from a Township Road and includes the tiling and covering of a roadside ditch for the purpose of improving a lawn or other frontage.

1.4 *Road Superintendent* means the person appointed by Council to be responsible for the effective and efficient public roads and access roads system throughout The Township of Tarbutt, or an appointed designate.

## **2. GENERAL PROVISIONS**

2.1 No entrance, culvert, bridge or access from a Township road, over any ditch or watercourse or adjacent to any Township road may be constructed without the approval of the Road Superintendent or designate, or an Engineer contracted by the Township.

2.2 No person(s) shall obstruct a ditch, culvert or watercourse upon a highway or any drain or watercourse within The Township of Tarbutt, whether on public or private lands.

2.3 The location of any entrance must be approved by the Road Superintendent or designate, or an Engineer under contract with the Township, to ensure public safety and convenience, and to provide favourable sight lines, drainage, grade and alignment for all traffic using the proposed access and roadway; and ensure no undue interference with the safe movement of traffic nor will it adversely affect the drainage or access of other properties.

2.4 The diameter, gauge, length and type of culvert to be used in each location shall be determined by the Road Superintendent or designate, or an Engineer contracted by the Township; and the completed entrance shall maintain a safe approach compatible to the grade level of the road surface.

2.5 The complete cost of the installation of the first and establishing entrance shall be borne by the property owner, along with any subsequent, secondary or replacement culverts or entrances to be installed. Such additional entrances shall be completed following the instruction and to the satisfaction of the Road Superintendent.

2.6 An entrance may be requested from time to time where the width or the depth of a ditch requires an irregular culvert, in which case each situation will be considered on a case by case basis as a means of encouraging development and increasing assessment in the Township.

2.7 All subsequent or secondary culverts or pipes shall be installed and/or replaced solely at the expense of the property owner and shall be located in exactly the same location and size or volume as the primary entrance unless the Road Superintendent has recommended otherwise.

2.8 A property owner shall be responsible to repair or make good any damage to the road resulting from the unapproved installation of the culvert by a contractor.

- 2.9 An entrance permit must approved by the Road Superintendent and issued by the Township prior to the commencement of any work.
- 2.10 The Road Superintendent or designate, or an Engineer under contract with the Township is hereby authorized, in the event that an entrance has been installed or improved to an unacceptable or unsafe standard, shall make such installation or repairs as necessary and/or to remove the entrance at the property owner's expense.
- 2.11 Any costs referred to in this by-law which are the responsibility of the property owner, and which remain unpaid, shall have interest applied and may be collected in the same manner as taxes
- 2.12 In a situation where a parcel of land does not already have an entrance, or the entrance is insufficient for the requirements of the intended use of the property, an Application for Entrance Permit, attached as Schedule "A", must be submitted along with an application for Building Permit, if required.
- 2.13 The size of any culvert or pipe, prior to installation or replacement, shall be determined by the Road Superintendent or designate, an Engineer under contract with the Township, with consideration given to unrestricted water flow, seasonal fluctuations in drainage, and to permit sufficient cover to ensure the integrity of the culvert; and to permit an approximate, but not less than a 2:1 slope on the ends.

### 3. ENACTMENT

- 3.1 This By-law shall be known and referred to as the "Culvert By-law".
- 3.2 That the Application for Entrance Permit attached hereto as Schedule "A" forms part of this By-law.
- 3.3 That any previous policy, by-law or resolution which conflicts with this by-law be and is hereby repealed.
- 3.4 This By-law shall take effect on the date of passing.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this Eighteenth day of January, 2023.

  
\_\_\_\_\_  
Lennox Smith, Mayor

  
\_\_\_\_\_  
Carol O. Trainor, Clerk

**THE TOWNSHIP OF TARBUTT**  
**APPLICATION FOR ENTRANCE PERMIT**  
**Appendix "A" of By-law 2023 -05**

This application to obtain an Entrance Permit forms a part of the Township's Culvert By-law. Applicants are advised that civic address numbers must be approved prior to establishment of an entrance from a Township road.

Name of Owner/Applicant: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ e-mail: \_\_\_\_\_

Location: entrance to be located on \_\_\_\_\_ (road name)

and located exactly \_\_\_\_\_ feet from \_\_\_\_\_

Nearest intersection: \_\_\_\_\_

Entrance type: Residential: \_\_\_\_\_ Vacant: \_\_\_\_\_ Temporary \_\_\_\_\_ Commercial \_\_\_\_\_

Entrance Surface Width: \_\_\_\_\_ feet / metres Surface type: \_\_\_\_\_

Entrance must slope down/away from travelled road. Gravel not to exceed 2" diameter.

Details: \_\_\_\_\_

I, the undersigned, do hereby agree to pay the Township entrance permit fee and any additional fees for materials and labour, and to follow the instructions and recommendations of the Road Superintendent.

\_\_\_\_\_  
Signature of Owner/Applicant

\_\_\_\_\_  
Date

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*To be completed by Road Superintendent:*

*Approved culvert size:* \_\_\_\_\_ *Culvert type:* \_\_\_\_\_

*Conditions/Comments:* \_\_\_\_\_

*Date:* \_\_\_\_\_ *Signature:* \_\_\_\_\_

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**THIS SECTION TO BE COMPLETED BY OFFICE**

Roll number: 5714 - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fee paid: \$ \_\_\_\_\_

Culvert Installation required: \_\_\_\_\_ Date inspected by Roads Super: \_\_\_\_\_

Civic Address Number obtained: \_\_\_\_\_ Initials: \_\_\_\_\_