



## **Township of Malahide Entrance Control Policy**

### **A. Authority**

The authority for the Entrance Control Policy shall be by the approval of the Council for the Township of Malahide.

Sections 27 and 35 of the *Municipal Act, 2001*, authorize a Municipal Council to create a policy and/or pass a by-law to prohibit or regulate the construction, alteration, or change in use of any entranceway, gate, or other structure, or facility that permits access to a road in respect of highways in its jurisdiction or under joint jurisdiction.

The approval and control of entrances shall be at the discretion of the Director of Physical Services or his/her designate.

### **B. Policy Statement**

Public safety on municipal roadways is important to the Council. For various reasons, it may be necessary to limited, adjust, or otherwise regulate entrances within municipal road allowances.

### **C. Definitions**

“Council” – means the Council for The Corporation of the Township of Malahide.

“Director of Physical Services” – means the Director of Physical Services for the Corporation of the Township of Malahide or his/her designate.

“Road Allowance” – means a common and public road way, street, avenue, parkway, driveway, or any part thereof, including bridges, which is intended for or used by the general public for the passage of vehicles and/or pedestrians and includes the area between the lateral property lines thereof.

“Township” – means The Corporation of the Township of Malahide.

“Entrance” – means a driveway or other access to a municipal road allowance.

“Field Entrance” – means an access to an agricultural field.

“Farm Entrance” – means an access to farm buildings and other agricultural lands.

“Residential Entrance” - means an access to residential facilities of four units or less.

“Commercial/Industrial/Institutional Entrance” - means an access to a business where goods or services are manufactured or sold to the public; and includes as well, residential facilities of five or more units.

“Re-classification Entrance” – means an existing entrance that is being used for a use other than its intended purpose (i.e. a field entrance to be used as a residential entrance) will be required to be re-classified and to be upgraded, if necessary, to meet current Municipal standards.

“Temporary Entrance” - means an access to properties for a limited period not to exceed one year for the purpose of construction, repairs, or improvement on that property or to facilitate a staged development.

“Emergency Entrance” - means an access to subdivision developments for emergency vehicles only, in the event that the main access to the development is not accessible. Adequate measures are to be incorporated in the emergency access to prevent (adequately discourage) use by private residents or delivery vehicles.

“Public Entrance” – means an access onto a municipal road from a registered subdivision by means of a public road or street.

“Alteration” - means proposed changes to an existing entrance (i.e. to be widened and/or existing surface to be upgraded or changed from its existing condition).

#### **D. Purpose**

The purpose of the Entrance Control Policy is to set criteria and design standards for implementing the approval, construction, and alteration of entrances, and to provide safe access to roads within the Township of Malahide Road System.

#### **E. Permits Required**

Entrance permits are required for:

- construction of a new entrance;

- changing the design of an existing entrance;
- changing the location of an existing entrance;
- changing the use of or classification of an existing entrance;
- alteration of an existing entrance, including resurfacing (i.e. asphalt, concrete, paving stone, etc.); and
- construction of a temporary entrance for the use of any part of the highway right-of-way as a means of temporary access.

#### F. General Considerations

The Staff of the Township administering this policy will consider the following criteria when reviewing applications for new entrances or alterations to entrances:

- public safety;
- protection of the public through the orderly control of traffic movements onto and from municipal roads, including possible requirements for left and/or right turn lanes;
- providing legal access onto municipal roads from adjacent private or public property;
- required sight distance, safe grade, and alignment conditions for all traffic using the proposed entrance;
- maintaining the orderly flow of the traffic traveling on municipal roads;
- no undue interference with the safe movement of through traffic;
- protection of the public investment in the municipal road system and minimizing Township expenditures on the maintenance of private or public entrances; and
- reducing future maintenance problems and reconstruction costs.

In general, new entrances **will not be permitted** at the following locations:

- Where the number of entrances exceeds the permitted number of entrances;
- Where access has already been granted within another municipal right-of-way;

- Along a lane which is identified for the purpose of an exclusive vehicular turning movement;
- In close proximity to intersections and bridges; and
- No access will be permitted on truck climbing, acceleration, or deceleration lanes.

No person shall construct or alter any driveway, laneway, or other form of access from a road to either public or private property without first obtaining an entrance permit. If any person does not obtain an entrance permit, the Municipality may remove any material or objects placed on municipal property and/or otherwise disable access to the municipal road. All of the expenses incurred by the Municipality to remove or disable the unapproved entrance will be borne by the property owner.

### **G. Location of Entrances**

The Municipality may restrict the placement of an access onto the municipal road in the interest of public safety. New accesses must be located so as to provide, in the opinion of the Director:

- No undue interference with the safe movement of public traffic, pedestrians, or other users of the highway;
- Favorable vision, grade, and alignment conditions for all traffic using the proposed access to the Township Road; and
- To control land use.

Rural entrances onto Township roads must be a minimum of:

- 50 meters from an Intersection for residential, farm, or field lots;
- 100 meters from an Intersection for commercial, institutional, industrial, or multi-unit residential lots; and
- 15 meters from an “at grade” railway crossing (measured from center-line of entrance to the property line abutting the railway right-of-way).

Semi-Urban entrances onto Township roads must be a minimum of:

- 9 meters from an Intersection for residential, farm, or field lots;
- 15 meters from an Intersection for commercial, institutional, industrial, or multi-unit residential lots; and

- 15 meters from an “at grade” railway crossing (measured from center-line of entrance to the property line abutting the railway right-of-way).

Entrances onto Township roads are **not** permitted:

- adjacent to a lane which is identified for the purpose of an exclusive turning movement including, but not limited to, channelization, acceleration, or deceleration;
- where Minimum Sight Distance requirements are not met; and
- where the Entrance would violate geometric design guidelines.

#### **H. Number & Width of Entrances**

It will be the policy of the Township to limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance and to limit the number of accesses to a property to the number required for the safe and reasonable access to the Municipal road and in general conformity with the following:

- Residences - One per property;
- Farm Entrance – One per farm;
- Field Entrance – Minimum one field entrance per farm with additional field entrances where natural obstructions with the field prevent reasonable access across the field.

Additional Field Entrances may be approved by the Director. The total cost of construction and maintenance shall be borne by the landowner or subsequent landowners; and

- Commercial/Industrial Entrances – Maximum two with a minimum spacing of 30 meters between entrances and subject to site plan approval.

#### **I. Entrances Adjacent to Bridges**

An entrance adjacent to a Bridge or other structure which may interfere with the clear vision of traffic using the Entrance must be located so that it meets the minimum stopping sight distance requirements identified in Section E.3 of the MTO Geometric Design Standards for Ontario Highways Manual, as amended.

#### **J. Sight Distances**

New entrances **will not be permitted** where the following minimum sight distance requirements are not met:

1. Where the posted speed limit is 80 km/h, new entrances must meet all of the following minimum requirements:
  - a. Minimum Sight Distance as per Table 1 and Table 2, as applicable;
  - b. Horizontal curve is 400 meter radius or greater; and
  - c. Maximum grade on the Township Road is 3% or less.
  
2. Where the posted speed limit is less than 80 km/h, new entrances must meet all of the following minimum requirements:
  - a. Minimum Sight Distance as per Table 1 and Table 2, as applicable;
  - b. Horizontal curve is 300 meter radius or greater; and
  - c. Maximum grade on the Township Road is 6% or less.

**TABLE 1**

Speed Limit - km/h	Minimum Sight Distance (Meters)*
50	135
60	170
70	200
80	230

**TABLE 2**

Posted Speed Limit - km/h	Decrease for Upgrade		Increase for Downgrade	
	3%	6%	3%	6%
50	- 5m	- 5m	nil	+5m
60	- 5m	- 5m	+5m	+10m
70	- 5m	- 10m	+5m	+10m
80	-10m	- 15m	+10m	+15m

\* Table 2 provides factors (in meters) where the entrance is located on a grade on the Township Road.

## **K. Design Standards**

### **Entrance Grade:**

- The finished surface of the access must drop away from the edge of the highway driving surface to the end of the shoulder rounding at a rate equal to the slope of the shoulder. For a distance of 2.5 meters beyond the shoulder rounding, the slope of the access is not to exceed 10%.

### Residential Entrance:

- Shall be constructed with a base of a minimum of 300 mm (12 inches) Granular 'B' and finished with a minimum of 150 mm (6 inches) crushed gravel Granular 'A'.
- Where a culvert is required, its length must be sufficient to provide a 3:1 slope up from the ditch invert to an entrance width of 4.5 meters (15 feet), to be determined at the discretion of the Director or his delegate based on the turning radius of where the entrance will intersect with existing municipal road.
- Driveway culverts shall be a minimum size of 375 mm (15 inches) in diameter with increased size at the discretion of the Director and shall be a minimum of 9.0 meters in length. A minimum cover on the culvert is to be 300 mm (12 inches).

### Small Scale Farm Entrance:

- Shall be constructed with a base of a minimum of 300 mm (12 inches) Granular 'B' and finished with a minimum of 150 mm (6 inches) crushed gravel Granular 'A'.
- Where a culvert is required, its length must be sufficient to provide a 3:1 slope up from the ditch invert to an entrance width of 7.6 meters (25 feet), to be determined at the discretion of the Director or his delegate based on the turning radius of where the entrance will intersect with existing municipal road.
- Driveway culverts shall be a minimum size of 375 mm (15 inches) in diameter with increased size at the discretion of the Director and shall be a minimum of 12.0 meters in length. A minimum cover on the culvert is to be 300 mm (12 inches).

### Large Scale Farm Entrance:

- Shall be constructed with a base of a minimum of 400 mm (16 inches) Granular 'B', a minimum of 150 mm (6 inches) crushed gravel Granular 'A', and finished with a minimum of 40 mm of HL4 base asphalt and 50 mm of HL3 surface asphalt. Surface asphalt shall extend from the edge of the travelled lane to the limit of road allowance (property line).
- Where a culvert is required, its length must be sufficient to provide a 3:1 slope up from the ditch invert to an entrance width of 7.6 meters (25 feet), to be determined at the discretion of the Director or his delegate based on the turning radius of where the entrance will intersect with existing municipal road.

- Driveway culverts shall be a minimum size of 375 mm (15 inches) in diameter with increased size at the discretion of the Director and shall be a minimum of 12.0 meters in length. A minimum cover on the culvert is to be 300 mm (12 inches).

#### Field Entrance:

- Shall be constructed with a base of a minimum of 150 mm (6 inches) Granular 'B' and finished with a minimum of 150 mm (6 inches) crushed gravel Granular 'A'.
- Where a culvert is required, its length must be sufficient to provide a 3:1 slope up from the ditch invert to an entrance width of 12.0 m (40 feet), to be determined at the discretion of the Director or his delegate based on the turning radius of where the entrance will intersect with existing municipal road.
- Driveway culverts shall be a minimum size of 375 mm (15 inches) in diameter with increased size at the discretion of the Director and shall be a minimum of 15.0 meters in length. A minimum cover on the culvert is to be 300 mm (12 inches).

#### Small Scale Commercial/Light Industrial Entrance:

- Shall be constructed with a base of a minimum of 400 mm (16 inches) Granular 'B' and finished with 150 mm (6 inches) Granular "A" from the property line to the edge of travelled portion or of hard surface of the existing road.
- Where an entrance approaches a hard surface treated road the entrance shall be surfaced with 40 mm of HL4 base asphalt and 50 mm of HL3 surface asphalt.
- Where a culvert is required, its length must be sufficient to provide a 3:1 slope up from the ditch invert to an entrance width of 9.0 meters (30 feet), to be determined at the discretion of the Director or his delegate based on the turning radius of where the entrance will intersect with existing municipal road.
- Driveway culverts shall be a minimum size of 375 mm (15 inches) in diameter with increased size at the discretion of Director and shall be a minimum of 15 meters in length. A minimum cover on the culvert is to be 300 mm (12 inches).

#### Large Scale Commercial/Industrial/Institutional Entrance:

- The professionally engineered design and construction of Large Scale/ Industrial/Institutional Entrance must be submitted to, and approved by, the Township, prior to work commencing on the entrance, and could be subject to peer review at owner's expense.



### Temporary Entrance:

- The design and construction of temporary entrances must be submitted to, and approved, by the Township, prior to work commencing on the entrance, and shall be removed once said work is complete or after one year's time.

### Curbs and/or Headwalls:

- No curb or headwall can extend above the surface of the roadway shoulder within the limits of the shoulder and its rounding. All curbs and headwalls are constructed at the sole expense and risk of the applicant.

### Curb & Gutter:

- Where curb and gutter exists at the location of the proposed entrance, the applicant will be required to construct a drop curb at the entrance location.
- The existing curb shall be cut or removed and replaced using materials and construction methods acceptable to the Municipality.
- The area between the curb and sidewalk is to be paved with hot mix asphalt, or concrete, in accordance with the Municipality's requirements. If there is no sidewalk, the entrance is to be paved to the property line behind the curb.

### Culvert:

- If a culvert is required, the culvert shall be new galvanized steel corrugated pipe or approved corrugated high-density polyethylene pipe. Used culvert pipe is not acceptable. A minimum cover over the culvert is to be 300 mm (12 inches).

## **L. Exceptions**

Exceptions may be granted by the Director.

The applicant is required to submit a written request (with the applicable fee) to the Director which sets out the reason that an exception is requested.

If an exception is granted, it may be granted with conditions and the applicant may be required to enter into a Development Agreement with the Township to be prepared and registered on title to the property in question at the applicant's expense.

The applicant is entitled to appeal the Director's decision to the CAO/Clerk.

The CAO/Clerk may approve the exemption and attach such conditions as are reasonable to its decision including the entering into a Development Agreement with the Township to be prepared and registered on title to the property in question at the applicant's expense. This decision is final and binding.

#### **M. Existing Entrances**

One entrance for each lot of record at the time of the passage of this policy will be permitted.

The Township may require the closure or modification of an existing entrance where, in the opinion of the Director, the entrance does not meet the safety criteria as set out by this policy

The Township will bring all existing entrances into conformity with this policy when undertaking road reconstruction and road improvements as follows:

##### Rural Roads:

- The Township of Malahide will re-grade all existing driveways from the municipality's property line to the new road grade at the municipality's cost. Any work on private property will be the sole cost of the landowner.
- Culvert replacement and/or extensions will be the responsibility of the Municipality during construction only.

##### Semi-Urban Roads:

- The Township of Malahide will re-grade all existing driveways from the edge of the pavement to the property line with the same material as existing in the driveway prior to road construction. In the case of asphalt, a distance of not more than 3 meters.

#### **N. Entrance Permit Applications**

The Entrance Permit Application Form is available at the Township Office, 87 John Street South, Aylmer, Ontario, and on the Township's website at [www.malahide.ca](http://www.malahide.ca).

The application fee shall be the fee as set from time to time by the Council. The Director may in his discretion waive the permit fee.

In the event of a permit application for the replacement of surface materials only, the administrative permit fee shall be waived. A permit application must still be filed and approved by the Director.

All applications are to be completed in full, to the satisfaction of the Director, and submitted complete with the applicable application fee, as prescribed in the Fees and Charges By-law. Applications must include detailed plans and specifications to the satisfaction of the Director.

Where the applicant has decided to withdraw their entrance application, only the refundable deposit will be refunded.

Upon approval, the entrance permit will be forwarded to the applicant. Entrance permits will expire six months following the date of issue if the Entrance is not completed. An Entrance Permit may be extended for a period of one year from the date of issue upon written request. In the event of a plan of subdivision for which draft approval has lapsed, any Entrance Permit issued applicable to the plan will become null and void.

The applicant or their contractor shall notify the Director at least 48 hours prior to commencement of construction of the entrance.

It is the responsibility of the applicant to ensure that the construction of the Entrance is in accordance with the requirements of the approved application all applicable regulatory agencies having jurisdiction.

Applicants are bound by the conditions contained in the Entrance Permit.

## **O. Inspection and Maintenance**

### Inspection:

- A field inspection may be carried out by Municipal staff upon completion of the entrance.
- The Township may require that modifications be performed if the installation of the Entrance does not conform to the plans and specifications submitted to obtain the Entrance Permit.
- The applicant shall carry out the required modifications within 45 days of the date of the written notice and is responsible for the cost of the inspection and any modifications required.
- If the applicant fails to carry out the required modifications within 45 days, as set out above, the Township may have the required modifications completed by employees or agents of the Township. The Township may request that the Treasurer of the local municipality include any part of the fees and charges incurred by the Township to the tax roll pursuant to the provisions of sections 398 and 446 of the *Municipal Act*,

2001.

Maintenance:

- Upon approval of a culvert installation, the culvert will become the property of the Township and all subsequent maintenance and repairs will be the responsibility of the Township.
- Maintenance and replacement of entrance surface material shall remain the responsibility of the landowner, from the edge of travelled lane to the limit of road right-of-way (property line). At no time shall the municipality be responsible for the replacement of surface materials.
- Property owners having access to a municipal road are fully responsible for the maintenance of the access including the removal of snow and ice and keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic.
- Each entrance to a municipal road must be designed, constructed, and maintained in a manner that will prevent surface water from the entrance-way or from the adjoining property being discharged via the entrance onto the travelled portion of the highway.
- In the event that Municipal Staff is required to perform maintenance to an entranceway, the municipality will only replace the surface with gravel or hot mix asphalt, as appropriate. **The municipality will not install concrete, brick, etc.**
- Maintenance activities may include, but not limited to, culvert replacement or construction activities on the municipal roadway.

**P. General**

This Policy shall be administered by the Physical Services Department.

This Policy shall be referred to as the Entrance Control Policy.

This Policy shall come into force and effect on the day of adoption – **January 19, 2017**

This Policy shall be reviewed as required.