

The Corporation of the Township of Springwater

By-law 2026-066

Being a By-law to regulate and govern the construction and alteration of entrances onto highways under the jurisdiction of the Township of Springwater and to repeal By-law No. 2005-038

(Entrance Permit By-law)

Whereas Section 9 of the Municipal Act, 2001, S.O. 2001, c.25 as amended ("Municipal Act, 2001") provides that the Corporation of the Township of Springwater ("Township") 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 11 of the Municipal Act, 2001, provides that a municipality may pass By-laws respecting matters related to Highways including parking and traffic on Highways; and,

Whereas Section 27 and 35 of the Municipal Act, 2001, authorize Township Council to 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 Township road in respect of Highways in its jurisdiction or under joint jurisdiction; and,

Whereas pursuant to Section 227 of the Municipal Act, 2001, it is the role of the officers and employees of the Township to establish administrative practices and procedures to implement Township Council's decisions; and,

Whereas Section 391 of the Municipal Act, 2001, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and for the use of its property including property under its control; and,

Whereas Section 398 and Section 446 of the Municipal Act, 2001, authorizes a municipality to add the costs of completing any matter or thing it has authority to direct to be done in this By-law, if the person directed to do so is in default, to the tax roll and collect the amount due in the same manner as property taxes; and,

Whereas pursuant to section 425 of the Municipal Act, 2001, the Township may pass By-laws providing that a person who contravenes a By-law of the Municipality is guilty of an offence; and,

Whereas Section 444 of the Municipal Act, 2001, provides that a municipality may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and,

Whereas Section 445 of the Municipal Act, 2001, as amended, provides that a municipality may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and,

Whereas Section 446 of the Municipal Act, 2001, provides that a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and,

Whereas the Council of The Corporation of the Township of Springwater deems it desirable to regulate and permit the construction, alteration, change in and maintenance of driveway Entrances that permit access to a Township road under the jurisdiction of the Township;

Now Therefore the Council of the Corporation of the Township of Springwater hereby enacts as follows:

1. Definitions

For the purposes of this By-law

- 1.1 **Boulevard:** means that portion of the Highway paved or unpaved between the curb or outside edge of the shoulder of the roadway and the Township property line but does not include the sidewalk.
- 1.2 **Council:** means the Council of the Corporation of the Township of Springwater or Committee of Council as may be designated by Council for the purposes of this By-law.
- 1.3 **Construct:** means to do anything in the erection, installation, extension, material alteration, improvement, or repair of an Entrance.
- 1.4 **Director of Public Works:** means the Director of Public Works for the Township of Springwater as may be appointed by Council from time to time, or designate.
- 1.5 **Entrance:** means a public or private roadway, driveway, sidewalk, footpath or easement, gate structure or any facility constructed or used as a means of ingress and egress to and from the road.
- 1.6 **Entrance, Agricultural:** means an entrance to a private farm or farmland, which may not include a farm residence.

- 1.7 **Entrance, Commercial:** means an entrance to a multi-residential property with more than four (4) residential units.
- 1.8 **Entrance, Industrial:** means an entrance to an industrial establishment of any kind.
- 1.9 **Entrance, Institutional:** means an entrance to an institutional establishment of any kind.
- 1.10 **Entrance, Walkway/Utility:** means and entrance to a pedestrian walkway or an access entrance to a public utility used for maintenance purposes.
- 1.11 **Entrance, Residential:** means an entrance from a private single family residence or multiple-family residence with four (4) or less dwelling units.
- 1.12 **Entrance Permit:** means a permit issued under the provisions of this By-law.
- 1.13 **Headwall:** means an approved small retaining wall placed at the outlet of a stormwater pipe or culvert that does not extend above the surface of the roadway or shoulder within the limits of the shoulder and its rounding.
- 1.14 **Owner:** means the person as identified as the owner on the Assessment Roll for Taxation Purposes during the current year, and where the context relates to the making of application for an Entrance Permit under this By-law, includes a representative or agent of the Owner.
- 1.15 **Person:** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 1.16 **Road:** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for use by the general public for the passage of vehicles and includes all lands lying within the limits of the road allowance or right-of-way all of which are owned or within the jurisdiction of the Township.
- 1.17 **Street line:** means the limit of a road allowance and is the dividing line between a lot and a road.
- 1.18 **Sidewalk:** means a paved pedestrian walk area located within a road or designated as a public walkway.

- 1.19 **Sight Line:** means a line of clear vision measured from the point of entrance upon the road at a height of one (1) metre, along a road to a point above the centre line of the road at a height of one (1) metre.
- 1.20 **Temporary Entrance:** means an entrance opening on to a Township road that provides access to property intended to be used for a limited period, not to exceed six (6) months for the purpose of construction, repairs or improvements to that property or to facilitate staged development.
- 1.21 **Township:** means The Corporation of the Township of Springwater.
- 1.22 **Township Engineering Standards:** means the Engineering Standards adopted by Council for the construction of facilities, utilities, access driveways, etc. as may be adopted by Council from time to time.
- 1.23 **Utility:** means watermain, sanitary sewer, storm sewer, private drain connection, water service, water valve, fire hydrant, manhole, valve chamber and other related appurtenances with respect to the operation of the water and sewer networks.
- 1.24 **Vehicle:** means an automobile, motorcycle, trailer, truck, traction engine, farm tractor, snowmobile, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

2. Entrance Permits

2.1 Requirement for Entrance Permit

No person shall construct an entrance or install a culvert pipe or make a curb cut on a road until the Owner has applied for and obtained an approved Entrance Permit from the Director of Public Works or designate.

2.2 Entrance Established Without Permit

Any entrance established contrary to the provisions of this By-law and for which a permit cannot be issued in compliance with the provisions of this By-law may be removed or altered by the Township at the Owner's expense.

2.3 Alterations to Existing Entrances

No person shall extend or alter an existing entrance until the Owner has applied for and obtained an approved Entrance Permit from the Director of Public Works or designate.

2.4 Pave Existing Entrance

No person shall pave or apply any type of surface (other than gravel) that portion of an existing entrance which is located on the road until the Owner has applied for and obtained an approved Entrance Permit from the Director of Public Works or designate.

2.5 Entrance Use Change

A Residential Entrance shall not be used as any other type of entrance until the Owner has applied for and obtained an approved Entrance Permit from the Director of Public Works or designate.

2.6 Conditions for Entrance Permits

- 2.6.1 Every Owner who makes application for an Entrance Permit shall complete and submit the necessary application form available from the Public Works Department.
- 2.6.2 All applications for an Entrance Permit shall be accompanied by the prescribed fees as set out in the Fees and Charges By-law.
- 2.6.3 Prior to the issuance of any Entrance Permit, the Director of Public Works shall review the application for compliance with the Township Engineering Standards. No Entrance Permit shall be issued by the Director of Public Works or designate which does not meet these standards without the prior written authorization of Council.
- 2.6.4 Every permit issued by the Director of Public Works or designate shall be subject to the conditions listed in Schedule "A", attached hereto and forming part of this By-law.
- 2.6.5 No entrance shall be constructed, extended, altered or maintained so as to cause or create any interference with mains, trunks, hydrants, laterals or any other part of any Township water system, sewer system or any other public utility.
- 2.6.6 The Owner shall be responsible for the construction of the entrance to the specifications of the Director of Public Works or designate and shall be responsible for any and all accidents which may occur to any person or property during or after the construction of the entrance by the Owner.
- 2.6.7 The Owner shall be responsible to ensure that the construction of the Entrance is in accordance with the requirements of all applicable regulatory agencies having jurisdiction. The issuance of a permit by the Township does not relieve the Owner of the responsibility of complying with all other Municipal, County and Provincial By-laws.

2.7 Maintenance

- 2.7.1 The Owner is responsible for all maintenance and repair of the Entrance used for access to their property, including but not limited to the culvert, headwalls, driving surface, curb cut and granular base.
- 2.7.2 The Township may cover the cost of the Entrance culvert replacement when it is part of a Township initiated project at the sole discretion of the Director of Public Works or designate, if it is required to improve drainage.
- 2.7.3 Despite the provisions of Subsection 2.7.1, where the need to replace or repair any culvert has arisen from any act done or permitted to be done by any person, the cost of the replacement or repair shall be recoverable against that person under the provision of this By-law.

2.8 Hazardous Entrances

Any entrance on a road which, in the opinion of the Director of Public Works is considered to be a hazard to a pedestrian and vehicular traffic or impedes the flow of water such as to create a potential danger to the public will be immediately removed by the Township and the provisions of Sections 2.7.3 shall apply.

2.9 Work Performed by the Township

Where this By-law provides that the Township may complete any work required to be done by an owner or person, or where the Township may rectify any action of an owner or person which is contrary to this By-law, such work done by the Township shall be completed at the expense of the owner, and any costs incurred by the Township in completing the works, together with any charges, damages (including damages for injury) or other expenses payable by the Township arising out of its completing the works shall be paid by the owner within 90 days of receiving an invoice for same and if not paid, the same may be recovered by the Township in the same manner as taxes and/or by due process of law.

2.10 Indemnify

Every person, before carrying out any work under a permit on any road, shall insure or provide proof of insurance against all damages or claims for damage against the Township that may arise as a result of the work in an amount satisfactory to the Director of Public Works or designate.

3. Penalties

- 3.1 In addition to the provisions under Section 2.9 of this By-law, any person who contravenes any provision of this By-law is guilty of an offence, and upon conviction is liable to a fine as provided for in the Provincial Offences Act and each day that a breach of this By-law continues shall constitute a separate offence.

4. Miscellaneous

- 4.1 If any provision of this By-law is inconsistent with the Municipal Act, the Public Transportation Act, the Highway Traffic Act or any other Act, the provisions of the applicable Act shall prevail.
- 4.2 Should any section, subsection, clause, paragraph or provision of this By-law, including any part of the Schedules to this By-law, be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part, other than the provision or part of the Schedule declared invalid.
- 4.3 Where the context permits, words importing the singular also include more than one persons, parties, or things of the same kind. Where the context permits, words importing the masculine gender also include female as well as male.
- 4.4 For the purpose of this By-Law, the word “may” must be construed as discretionary and the word “shall” must be construed as mandatory.

5. Repeal

That By-law No. 2005-038 be and us hereby repealed.

6. Enactment

That this By-law shall come into force and effect on the date of its final passing

Read a First, Second and Third time this 2nd day of September 2026.

Original Signed by;

Jennifer Coughlin, Mayor

Original Signed by;

Cayla Nelson, Deputy Clerk