

BY-LAW NO. 2018-XXXX

A By-law to regulate the construction, installation, widening or altering of driveways and curb cuts located on Town-owned road allowances or other property under the jurisdiction of the Town.

WHEREAS the Municipal Act, 2001, S.O. c. 25, as amended authorizes a municipality to enact by-laws respecting the public assets under the jurisdiction of the municipality;

WHEREAS Council for the Corporation of the Town of Halton Hills considers it advisable to enact a by-law requiring the consent of the Town for a person to construct, install, widen or alter any driveway or curb;

AND WHEREAS on May 7, 2018, Council for the Town of Halton Hills approved Report No. TPW-2018-0012, dated April 16, 2018, in which certain recommendations were made relating to By-law 2015-0016 Widening or Altering of Driveways.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) “Adjacent Property” means the property adjacent to the highway or the Municipal property to which the entrance is intended to provide access;
 - (b) “Applicant” means any person or Corporation to whom a Permit has been issued under this By-law;
 - (c) “Commissioner of Transportation & Public Works” means the Commissioner of Transportation & Public Works of the Corporation of the Town of Halton Hills, or any person designated by him/her to act on his/her behalf with respect to matters contained within this By-law.
 - (d) “Curb Cut” means any point at which the curb along a travelled roadway is interrupted or depressed to provide access to use on the property;
 - (e) “Curb Line” means the edge of the travelled portion of the road allowance (the line of curb, or the edge of asphalt where no curb exists);
 - (f) “Directional Approach” means a driveway which is designed and signed to be used in one direction only;
 - (g) “Driveway” means any lane, ramp or drive intended to provide vehicular access from the travelled portion of a municipal road allowance to a use on the adjacent property or intended to provide parking for vehicles;
 - (h) “Entrance” shall mean driveway;
 - (i) “Entrance Permit” means permission, in writing, on a form signed by the Commissioner of Transportation & Public Works to allow the work for which the permission was requested;
 - (j) “Frontage” means the horizontal distance between the side lot lines;

- (k) “Highway” means a highway as defined in Section 1 of the Highway Traffic Act, R.S.O. 1990, Chapter H.9 and includes a street and a bridge forming part of a highway or on, over or across which a highway passes and includes the whole of the road allowance;
 - (l) “Intersection” means the area at which two or more Highways intersect;
 - (m) “Town” means The Corporation of the Town of Halton Hills;
 - (n) “Town Property” means Town-owned road allowances or other property in the jurisdiction of the Town.
2. (a) No person shall construct, install, widen or alter any Driveway or Curb Cut located on Town Property without an Entrance Permit.
 - (b) Notwithstanding Subsection (a), no Entrance Permit shall be required for the construction of new driveways within unassumed plans of subdivision.
 - (c) No person shall construct, install, widen or alter any Driveway or Curb Cut located on a Road Allowance or other Town property except in accordance with the plans, specifications, documents and any other information used as the basis for the issuance of an Entrance Permit.
3. (a) An Applicant under this By-law shall provide to the Commissioner of Transportation & Public Works the information required in the Application Form attached hereto as Schedule “A” to this By-law and shall supply any supportive material as may be required. The Applicant shall comply with every regulation and procedure as set out in this By-law.
 - (b) A non-refundable administration fee in accordance with current Town Rates and Fees By-law, as amended, shall be required as part of the application. An administration fee shall not be required for applications from members of the Public Utilities Coordinating Committee or applications which are deemed to fall within the limits of construction on a Town capital reconstruction project.
 - (c) The Entrance Permit shall expire 90 days from the date of issuance provided that no work has commenced within that time, after which a new permit must be obtained.
 - (d) At the sole discretion of the Commissioner of Transportation & Public Works, the applicant may be required to submit a design drawing of the proposed Entrance and related works prepared by a qualified professional. The design drawing shall, at a minimum, include sight line evaluations based on Transportation Association of Canada (TAC-ATC) guidelines, proposed and existing grading details, and culvert capacity analysis all to the satisfaction of the Commissioner of Transportation & Public Works.
4. Where an Applicant fails to comply with any of the provisions of this By-law, the Town may perform the works necessary to effect compliance with the By-law and all costs and expenses incurred shall be borne by the Applicant or the same may be recovered in like manner as municipal taxes.
 5. A driveway is permitted on Town property only to provide access to an Adjacent Property and shall not be constructed, installed, widened or altered to perform any other function, including the parking of vehicles, as defined under the current Town Uniform Traffic Control By-law, as amended.

6. The Commissioner of Transportation & Public Works may remove or alter any Driveway or Curb Cut on Town property for which an Entrance Permit has not been issued, or for one which has not been constructed or altered in accordance with the permit issued, or in accordance with Section 12 of this By-law.
7. The Adjacent Property owner, upon replacement, alteration or removal of any Driveway or Curb cut pursuant to Section 6 of this By-law shall be solely responsible for the costs of reinstating the Town Property, or any other work required, as determined by the Commissioner of Transportation & Public Works, to make the Driveway conform to the provisions of Section 12 or to return the Town property to a condition in accordance with Town specifications.
8.
 - (a) Every driveway located on Town Property shall be maintained in good condition by the Adjacent Property owner at their own expense.
 - (b) Once installation of a Curb Cut has been completed to the satisfaction of the Commissioner of Transportation & Public Works, the Curb Cut becomes the responsibility of the Town.
9. The Adjacent Property owner shall assume the cost of constructing, installing, widening or altering a Driveway or Curb Cut on Town property in all instances, including those that are done at the Town's discretion unless such work is undertaken as part of the Town's Capital Works Reconstruction Program.
10. The Applicant agrees to indemnify and save harmless the Town from all actions, causes of actions, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under this By-law or the terms of the Entrance Permit and will be responsible for damages, injuries or accidents resulting from any of his operations, or caused by reason of the existence of the driveway, or of any materials, plants, or equipment used in connection with the works performed as a result of issuance of the Entrance Permit.
11. The Town reserves the right to alter, construct or remove any Driveway or Curb Cut located on Town Property without notice to, or permission from the Adjacent Property owner. This right also extends to allow work by utility services. The Town or other utility services shall reinstate the Driveway, Curb Cut or other works at no cost to the Adjacent Property owner.
12. No Driveway or Curb Cut shall be installed, constructed, altered or removed except in accordance with the following regulations:
 - (a) All Driveways, culverts and Curb Cuts shall be in accordance with current municipal standards and specifications.
 - (b) All Driveways shall extend sufficiently onto the Adjacent Property to allow parking on the Adjacent Property and not on Town Property.
 - (c) Where a Driveway widening on Town Property is permitted pursuant to Section 2 of this By-law, it is to be constructed from a similar material and be of similar appearance to the original Driveway, except in commercial/industrial/institutional areas and in certain urban residential areas, where asphalt or other permanent hard surface may be required.
 - (d) No Driveway shall meet the travelled portion of the highway at an angle of less than 70 degrees.

- (e) Where an existing Driveway is being replaced, relocated or abandoned, it shall be removed from the Town Property at the time of creating the new Driveway, and the Town Property shall be reinstated by the Adjacent Property owner, at their own expense, to the satisfaction of the Commissioner of Transportation & Public Works.
- (f) All Driveways shall conform with the Town's Zoning By-law, as amended.
- (g) The minimum distance at the Curb Line between Driveways on the same property frontage shall be:
 - i) a minimum of 15 metres for urban residential lots.
 - ii) a minimum of 30 metres for rural residential and farm lots.
 - iii) a minimum requirement in accordance with the Transportation Association of Canada (TAC-ATC) Guidelines for commercial/industrial/institutional lots.
 - iv) Any deviation or discrepancy with the standards set out in Sections i), ii) and iii) herein, shall be at the sole discretion of the Commissioner of Transportation & Public Works and the decision shall be final.
- (h) The minimum distance at the Curb Line between any Driveway and any Intersection shall be 10 metres or as otherwise determined by the Commissioner of Transportation & Public Works.
- (i) Any Driveway to a commercial or industrial property shall conform to the Commercial Site Access Policy and Standards of the Ministry of Transportation.
- (j) Asphalt or concrete ramping is not permitted in lieu of a Curb Cut.
- (k) If the Applicant proposes a reversed (negative sloped) driveway on private property, the Applicant must prove, to the satisfaction of the Commissioner of Transportation & Public Works, that the driveway will not be flooded by the overland flow during a 100-year storm event or by the surplus flow in the storm sewer system.
- (l) All Driveways shall have unobstructed visual sightlines for entry onto any part of the Town Property, including sidewalks.
- (m) Removal of trees and shrubs from Town Property pursuant to the provisions of this By-law shall be subject to Town's Tree By-law and the approval of the Commissioner of Transportation & Public Works.
- (n) Driveway location and design are subject to the specifications within the Ontario Provincial Standards (OPS) and the TAC-ATC guidelines.
- (o) The Stopping Sight Distance criteria, as outlined in the TAC-ATC guidelines shall restrict the location of any Driveway based on the road allowance geometrics, and may result in refusal of the Entrance Permit.
- (p) All drains, ditches, culverts and watercourses shall be installed and maintained in accordance with Town Standards and Specifications, and the guidelines of the following agencies, as required: Halton Region Conservation Authority, Credit Valley Conservation Authority, Grand River Conservation Authority, Niagara Escarpment Commission, Ministry of Transportation Ontario, Ministry of Natural Resources and Forestry, and Ministry of the Environment and Climate Change. Permits required from these agencies must be obtained by the Applicant prior to the issuance of the Entrance Permit.

13. The Applicant shall be responsible for all damages to all existing services within the Town Property when such damages arise out of the work undertaken by the Applicant.
14. Every person who contravenes any provision of this By-law is guilty of an offence, and, upon conviction, is liable to a fine subject to the provisions under the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, exclusive of costs and every such penalty shall be recoverable under the same Provincial Offences Act R.S.O. 1990 Chapter P.33, as amended.
15. If any section, clause or provision of this By-law, including anything contained in the schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as whole or any part thereof other than the section, clause or provision so declared to be invalid and is thereby declared to the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
16. By-law No. 2015-0016 respecting Widening or Altering of Driveways be repealed.

BY-LAW read and passed by the Council for the Town of Halton Hills, this _____ day of _____, 2018.

MAYOR – Rick Bonnette

TOWN CLERK – Suzanne Jones

Schedule A



Town of Halton Hills
 1 Halton Hills Drive
 Halton Hills ON L7G 5G2
 www.haltonhills.ca

**Construction/Excavation or
 Entrance on Public Highway Permit**

Date of Application: _____
 Construction Excavation Entrance Permit File Number: _____
 Type of Entrance: Commercial Residential Industrial Farm Temporary
 Location of Work: _____
 Type of Work: _____

Owner's Name: _____
 Address: _____ Postal Code: _____
 Business Telephone: _____ Home Telephone: _____ Cell: _____

Contractor/Applicant's Name: _____
 Address: _____
 Telephone: _____ Fax: _____
 Contact Person: _____ Title: _____
 Contractor's Liability Insurance: _____ (For the Town's minimum insurance requirements and conditions please see Section 1.b) of this application.)
 Company Name: _____ Policy Number: _____

Temporary Restoration

A. _____ Cold Mix Asphalt Restoration of roadway, curb and sidewalk.

Permanent Restoration

B. _____ Complete permanent restoration by contractor/self.
 C. _____ Request Town staff to perform permanent restoration works.

Other Conditions of Permit: _____

Construction, Excavation or Entrance Fees

- a. Administrative Fee (non-refundable) \$ _____ Paid by: _____
- b. Refundable Security \$ _____ Paid by: _____
- c. Total Amount Payable \$ _____
- d. Administrative Fee Waived _____ (See By-law 2015-0016)

For Construction and Excavation permits, please submit a Certificate of Insurance with this application.

The applicant agrees to all conditions as shown herein and on the reverse side of this permit and as set out in the Town of Halton Hills By-law Number 92-199 for Construction/Excavation on Public Highways and By-law Number 2015-0016 for Entrances on Public Highways.

 Name and Title of Applicant

 Signature of Applicant

 Engineering Staff Approval

 Date of Approval

ENG-2017-11

Engineering Services



Construction/Excavation or Entrance on Public Highway Permit

For office use only:

Entrances: _____ Posted Speed: _____ km/h

Stopping Sight Distance: Left Right

Culvert Specification: Length 7.3 metres minimum
 Diameter 450 mm minimum

- Curb Cut Length: Less than 9.14m (30ft) – No driveway widening permitted.
 Equal to 9.14m (30ft) or less than 10.97m (36ft) - Min. 3.5m, Max 4.0 m.
 Equal to 10.97m (36ft) or less than 12.19m (40ft) - Min. 4.0m, Max. 5.5m.
 Equal to 12.19m (40ft) or less than 15.24m (50ft) - Min. 4.0m, Max. 6.0m.
 Equal to 15.24m (50ft) or less than 18.28m (60ft) - Min. 4.0m, Max. 6.5m.
 Equal to or greater than 18.28m (60ft) - Min. 4.0m, Max 7.0m.

Expiry Date: _____ Inspection Date: _____ Approved By: _____

List of Attachments or Conditions:

Traffic Protection Plan By: _____ Date: _____
 Insurance Certificate By: _____ Date: _____
 Draw and/or Sketch By: _____ Date: _____

Other: _____

The personal information on this form is collected under the authority of Section 11 of the Municipal Act, as amended, and in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is used for the purpose of processing this document. Questions regarding the collection of this information should be directed to Transportation & Public Works at 905-873- 2601 ext. 2200.

Public Utility Coordinating Committee (P.U.C.C.) members will be responsible for obtaining the consent of the Town of Halton Hills for the location of the proposed plant, whether or not they engage a private contractor to do the work. They are also required to file with the Town a letter of intent stating that they will have, at all time, adequate insurance coverage. All P.U.C.C. members are required to complete this Permit for all road cuts, but securities and fees are not required if they complete final restoration works.

Note: This administration fee shall not be required for applications which are deemed to fall within the limits of construction on a Town of Halton Hills Capital reconstruction project.



Construction/Excavation or Entrance on Public Highway Permit

This Permit for Construction/Excavation on Public Highway is issued pursuant to Town By-law No. 92-199, as amended, and the Applicant agrees to the following conditions:

1. Prior to the issuance of a Permit, the Applicant shall provide the following to the satisfaction of the Commissioner of Transportation & Public Works:
 - a) A non-refundable administration fee (calculated annually) be used for administration purposes.
 - b) Insurance: The Applicant or their Contractor shall take out and maintain Commercial General Liability insurance for a limit of no less than \$2,000,000/\$5,000,000 per occurrence and coverage shall include but not be limited to bodily injury, personal injury, property damage, contractual liability, employer's liability, non-owned automobile, and shall contain a cross liability clause. The Town of Halton Hills shall be named as an additional insured. If applicable, based solely upon the nature of the works in the sole and absolute discretion of the Town, the Town shall have the right to request, in addition to the Commercial General Liability policy, any or all of the following coverages:
 - a. Sudden and Accidental Pollution as an extension of the Commercial General Liability policy for a limit of no less than \$5,000,000 per accident or
 - b. Stand-alone Contractor's Pollution Liability policy for a limit of no less than \$5,000,000 per claim. The Town shall be named as an additional insured and/or
 - c. Professional Liability Policy (Errors & Omissions) for a limit of no less than \$5,000,000 per claim.

The insurance shall remain in force until such time as the Town has inspected and approved the completed works. The Applicant or their Contractor shall provide a completed certificate of insurance to the Town no less than 5 business days prior to the commencement of the work. If the Town does not receive the certificate of insurance then the Town is under no obligation to issue the Permit until such time as the Town receives the required certificate of insurance from the Applicant or their Contractor; nor shall the Town be financially responsible for any hardship, financial or otherwise, suffered by the Applicant or the Contractor or any other party associated with the works as a result of the non-issuance of the Permit.

The Town shall require confirmation of insurance on a form issued by the Town prior to issuance of permit which can be found on our website at <http://www.haltonhills.ca/forms/index.php>;

 - c) Any other supportive material as requested by the Commissioner of Transportation & Public Works;
 - d) A cash deposit in the amount of one and one half times the value of the final restoration costs as set out on the face of the Permit or a cash deposit in an amount as requested by Town of Halton Hills staff to cover final restoration costs.
2. Indemnification and Save Harmless. The Applicant and their Contractor each:
 - a) agrees to indemnify and save harmless the Town of Halton Hills from all actions, causes of actions, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under the terms of this Permit; and
 - b) will be responsible for any and all damages suffered and injuries sustained as a result of any operations on, or caused by reason of the existence or location or condition of, the construction site, or of any materials, plants or equipment used in connection with the works performed as a result of this Permit. It is solely the responsibility of the Applicant that all parties



Construction/Excavation or Entrance on Public Highway Permit

performing the work have read and agree to No. 2, Indemnification and Save Harmless section of the Application.

3. All requirements of this Permit, or any aspects pertaining to this Permit, shall be to the satisfaction of the Commissioner of Transportation & Public Works otherwise the work will be stopped until all requirements have been met.
4. Permits will be processed after all the necessary information has been submitted to the Building and Engineering Services counter.
5. This Permit does not relieve the Applicant from the responsibility of obtaining all other necessary permits, approvals and plant locations.
6. The Applicant agrees to notify the Transportation & Public Works department at least 2 business days prior to commencing works.
7. A copy of this Permit must be available on the job at all times, during actual construction or installation.
8. If works have not commenced within 3 months from the date of issuance of this permit, this permit will automatically expire. The administration fee shall be retained by the Town and any cash deposits shall be returned to the Applicant. If and when the works are to proceed, a new application will be required.
9. Upon completion of the work, the Applicant shall complete the following to the satisfaction of the Commissioner of Transportation & Public Works:
 - a) Restore all subsurface works including the compaction of backfill material;
 - b) Restore all areas affected by the work to current Town or Ontario Provincial Standards to the satisfaction of the Commissioner of Transportation & Public Works;
 - c) Restore the roadway and sidewalk areas affected by the work by the means set out on the face of the Permit.
10. The Applicant shall guarantee the workmanship and materials of all the work performed under Section 10 within the limits of the highway for a period of twelve (12) months from the date of receiving the Town's approval of the completed work.
11. Unless otherwise specified on the face of this permit, all trenches are to be backfilled with approved Granular 'A' material, placed in 150 mm thick layers and compacted to 100 percent standard proctor density. Under certain circumstances, as determined by the Commissioner of Transportation & Public Works, the Town may specify an unshrinkable fill material to be used as backfill trench material.
12. All trench cuts crossing roads and sidewalks are to be backfilled as per section 12, to 50 mm below final grade. The Applicant shall then complete the temporary restoration consisting of asphalt as indicated on the face of this Application on the same day before allowing traffic to flow over the trench cut.
13. Using the final road works restoration security taken, under Section 1(d) of this Permit, and as indicated on the face of this Permit, the Commissioner of Transportation & Public Works will arrange for the permanent restoration of the asphalt and concrete curbs and sidewalks.



Construction/Excavation or Entrance on Public Highway Permit

14. Upon the completion of the permanent restoration works, the Town shall reimburse the Applicant any excess monies deposited not used by the Town to restore the works, and the Applicant shall reimburse the Town for any costs of restoration above the monies deposited with the Town within thirty (30) days of receiving any invoice for payment from the Town.
15. The Applicant must complete the final restoration work indicated on the face of this Application to the satisfaction of the Commissioner of Transportation & Public Works.
16. Prior approval must be obtained from the Town of Halton Hills for closing or restricting any road at any time except in the case of emergency. The Town requires the following:
 - a) If the work to be undertaken does not necessitate a temporary road closure, an Application to the Commissioner of Transportation & Public Works for a Permit, shall be made at least 2 days prior to the commencement of work;
 - b) If the work to be undertaken necessitates a temporary road closure, the Applicant is responsible for undertaking the provisions outlined in Town of Halton Hills By-law No. 2003-0032 which delegates the power to close a highway temporarily for the work to be performed.
17. At all times, the Applicant shall adhere to the provisions as set out by the Town of Halton Hills for the detour of traffic. The Applicant shall supply all traffic control persons, signs, flashers, barricades and other traffic control devices required to close and detour traffic around the working area in accordance with Ontario Traffic Manual, Book 7 (Field Edition). All traffic control devices are to be erected and maintained at the expense of the Applicant.
18. The Applicant must maintain a reasonable pre-approved safe alternate route for vehicular and pedestrian traffic.
19. The Applicant must provide and maintain reasonable local access routes for all property owners or occupants whose access will be affected by the proposed works.
20. In case of emergency work required for public health, safety or welfare reasons, notice shall be given and an Application for Permit made to the Town as soon as possible after commencement of the work, namely on the same day, or if too late in the day, then within 4 hours of the opening of the Town's offices on the following day, which is not a Saturday, Sunday or holiday.
21. In the case of storm sewer works, the Town requires an inspection of the excavation and installed works before the excavation is backfilled. Should the excavation be backfilled prior to the inspection, the Applicant will be required to reopen the excavation for inspection at the Applicant's expense.
22. The Applicant shall be responsible for all damages to all existing services when such damages arise out of the work undertaken by the Applicant.
23. The Applicant is responsible for notifying Town of Halton Hills staff concerning existing damage to Town owned infrastructure (boulevards, curbs, sidewalks, etc.) prior to the issue of the Permit.