



BY-LAW 2017/39

**BEING A BY-LAW TO REGULATE PRIVATE ENTRANCES
IN THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS pursuant to Section 27(1) of the *Municipal Act*, 2001, municipalities may pass by-laws with respect to highways within its jurisdiction;

WHEREAS the Council of the Municipality of West Nipissing deems it desirable to regulate the use of private entrances to municipal highways;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:

1. TERMINOLOGY

In this By-law:

"Boulevard" means that part of the highway situate between the roadway and the property lines of the lots abutting the highway and includes a shoulder but does not include a sidewalk, if any;

"By-law Enforcement Officer" means a member of any police service with jurisdiction in the Municipality, or any person appointed by Council for the enforcement of municipal by-laws, including this By-law;

"Culvert" means a sub-surface pipe with a circular, elliptical or rectangular cross-section of corrugated steel, or any other such material approved by the Public Works Manager, which acts as a conduit for storm water within a highway;

"Grade" means the percentage rate of the rise or fall of the private entrance with respect to the horizontal;

"Headwall" means a vertical wall at the end of a culvert used to prevent earth from spilling into the ditch;

"Highway" includes a common and public highway and includes any bridge, trestle, viaduct or other structure, forming part of the highway and except as otherwise provided, includes a portion of the highway and the area between the lateral property line thereof;

"Municipality" means the municipal corporation of the Municipality of West Nipissing or the geographic area, as the context requires;

"OPSS" and "OPSD" means Ontario Provincial Standard Specifications and Ontario Provincial Standard Drawings;

"Owner" includes the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on his, her or its own account or as agent or trustee of any other person or who would so receive the rent if such were let, and shall also include a lessee or occupant of the land. Where the person holding registered title to land is a condominium corporation, the owner is the corporation and not its members;

"Parking Space" means that part of private or public property legally designated for the purpose of vehicle parking;

"Person" includes any individual, firm, partnership, association, corporation, company or organization of any kind;

"Private Entrance" means an improved surface within a highway used or intended for use for vehicular access to and from private property adjacent to the highway;

"**Property**" means land and any buildings thereon located in the Municipality which is separately assessed, and which is transferable separately from any surrounding lands pursuant to the *Planning Act*;

"**Private Property**" means a property, the owner of which is not the Municipality or the Crown;

"**Property Line**" means the common boundary line between adjacent properties and includes the common boundary line between private property and the highway;

"**Public Works Manager**" means the Manager of the West Nipissing Public Works Services and includes his or her authorized representative;

"**Roadway**" means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separated roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"**Shoulder**" means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel, for the use of vehicles;

"**Sidewalk**" means a part or strip of land, paved or otherwise, in, on, or alongside a highway and designed and intended for, or used by, the general public for pedestrian travel, and includes any structure above or below ground designed or intended for the use of pedestrians even if said structure is not wholly or partially above or below ground;

"**Temporary Private Entrance**" means a private entrance granted by the Public Works Manager for a temporary period during construction, repair or improvement on private property or for any other purpose approved by the Public Works Manager;

"**Traffic Impact Study**" means a study undertaken by a professional engineer that assesses, to the satisfaction of the Public Works Manager, the effect that a proposed access or accesses will have on the transportation network and on public safety. Elements of the study will include, but need not be limited to, an analysis of generated traffic volumes, the additional number of pedestrian and vehicular movements, queue lengths and times, variations on the above based on the size of the access and the impact of road characteristics; and

"**Vehicle**" includes a motor vehicle, trailer, traction engine, farm tractor, road- building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

2. INTERPRETATION	
(1)	Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
(2)	References to items in the plural include the singular, as applicable.
(3)	The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them.
(4)	Headings are inserted for ease of reference only and are not to be used as interpretation aids.
(5)	Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By- law was enacted, as they are amended from time to time.
(6)	Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.
(7)	The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.
3. SEVERABILITY / CONFLICT	

- (1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the Municipality.
- (3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

4. ADMINISTRATION

- (1) The administration of this By-law is assigned to the Public Works Manager who is also delegated the authority to make all decisions required of the Public Works Manager under this By-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this By-law, including the authority to:
 - (a) receive and process all applications for all permits and extensions of permits under this By-law;
 - (b) issue permits in accordance with the provisions of the By-law;
 - (c) impose terms and conditions on permits in accordance with this By-law; and
 - (d) refuse to issue or to extend a permit.
- (2) The Public Works Manager may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

5. PRIVATE ENTRANCE PERMIT REQUIRED

- (1) No owner shall construct, relocate, alter or close a private entrance, or authorize or cause a private entrance to be constructed, relocated, altered or closed without first obtaining a private entrance permit from the Public Works Manager in accordance with the provisions of this By-law;
- (2) No owner shall construct, install, relocate, excavate, remove or reset a culvert under a private entrance or authorize or cause a culvert to be constructed, installed, relocated, excavated, removed or reset under a private entrance without first obtaining a private entrance permit from the Public Works Manager authorizing such work in accordance with the provisions of this By-law;
- (3) Where there is a private entrance, the owner of the private property benefitting from the private entrance shall be deemed to have constructed, relocated, altered or closed installed the private entrance and where a culvert is installed under a private entrance, the owner of that private property shall be deemed to have constructed, installed, relocated, excavated, removed or reset the culvert.

6. EXCEPTIONS

- (1) Despite Subsection 5-(1), a private entrance permit is not required for a private entrance to a industrial, commercial or institutional development, the plans for which have been approved by the Manager of Public Works and/or approved through the Municipality's Site Plan Control procedure.
- (2) Despite Subsection 5(2), a private entrance permit is not required where a culvert is constructed, installed, relocated, excavated, removed or reset as a result of highway construction or reconstruction, drainage improvements or sewer and water work where such work is completed by or on behalf of the Municipality.
- (3) No private entrance permit is required for the replacement of a private entrance for which the municipality is responsible;
- (4) Despite anything herein, no private entrance permit is required for an entrance to a property

owned by the Municipality.

7. APPLICATION FOR PERMIT

- (1) Every applicant for a permit under this By-law shall:
- (a) file with the Public Works Manager an application in the form established by the Public Works Manager from time to time, which includes the following:
 - (i) particulars of the owner, municipal address, legal description and zoning of the private property to which the application applies;
 - (ii) a telephone number or other acceptable emergency contact information;
 - (iii) particulars of the work for which authorization is sought particulars of the location of any existing private entrance and the proposed location of the new private entrance;
 - (iv) particulars of any culvert to be installed;
 - (v) the name and contact information for the qualified contractor who will be carrying out the installation; the number of the building permit application where the application is made in conjunction with an application for a building permit;
 - (vi) such other particulars as the Public Works Manager may require to investigate and process the application; and
 - (vii) the signature of the applicant, and where the applicant is a corporation, the signature of a person who has authority to bind the applicant, certifying the accuracy of the information provided.
 - (b) file with the Public Works Manager as part of the application a sketch drawn to scale showing, as applicable:
 - (i) the dimensions of the private property for which the application is being made and of any adjoining property;
 - (ii) the location and dimensions of any existing private entrance and any existing culvert under the private entrance;
 - (iii) the location and dimensions of any proposed private entrance and any proposed culvert under a private entrance;
 - (iv) the location of any tree, shrub, utility pole or access box, hydrant, or other structure or topographical feature likely to affect the private entrance;
 - (v) the location of any 0.3 reserve or any easement adjacent to the proposed private entrance;
 - (vi) the location of the nearest cross street to the private property which is the subject of the application and distance from property lines;
 - (vii) the location of the private entrance to each abutting property and the distance from the proposed entrance way;
 - (viii) such other information as the Public Works Manager may require to assess the application;
 - (c) pay a non-refundable application fee as set out on Schedule “B” attached hereto;
 - (d) a refundable deposit fee as set out in Schedule “B”;
- (2) Where the application is for a private entrance to a private property with 50 or more parking spaces or carries traffic which, in the opinion of the Public Works Manager might impact adversely the quality of traffic service on the adjacent highway, the owner shall provide an Traffic impact study in addition to the information and materials provided in Subsection 7(1).
- (3) Every applicant for a permit shall submit a fully complete application at least 20 working days before the applicant proposes to start the work or activity to be authorized by the Permit. The application is complete once all required information, documentation and fees have been submitted.

8. REFUSE TO ISSUE PERMIT

- (1) The Public Works Manager shall refuse to issue a permit under this By-law:
 - (a) if the application is incomplete; or
 - (b) the application is non-compliant with the guidelines set out in Schedule A.
- (2) The Public Works Manager shall advise the applicant in writing of his or her decision to not issue a permit under this By-law and the reason for the refusal. Notice of the decision may be delivered to the applicant, or mailed to the address for the applicant in the application. Service shall be deemed effective immediately, if delivered to the applicant or on the 5th day after mailing, if the notice of decision is mailed to the applicant.
- (3) In the event that the applicant is not satisfied with the Public Works Manager's decision the applicant shall be entitled to appeal the decision to the Council for the Municipality within 10 days of the effective date of the service of the Public Works Manager's decision, failing which the decision of the Public Works Manager is final.
- (4) Despite Paragraph 8(1)(b), the Public Works Manager may, in his or her discretion issue a Permit under this By-law where the Public Works Manager is satisfied that in the circumstances, compliance is not possible and issuance of the Permit will not:
 - (a) result in undue interference with the safe movement of public traffic, pedestrians or other users of the abutting highway; or
 - (b) create hazardous conditions due to inadequate sight distance, horizontal or vertical alignments or other considerations.

9. ISSUANCE OF PERMIT / PERMIT CONDITIONS

- (1) Where the applicant has complied with the requirements of Section 7 and the issuance of the permit is not otherwise prohibited under this By-law, the Public Works Manager is authorized to issue a permit specifying particulars of:
 - (a) the authorized work, including requirements as to design, construction, size or dimension;
 - (b) the location of the authorized work;
 - (c) dates and times for the conduct of the activities permitted under the Permit;
 - (d) in the case of a private entrance, the permitted grade;
 - (e) such conditions or provisions as the Public Works Manager determines to be appropriate in the circumstances.
- (2) In issuing a permit, the Public Works Manager may specify a location and design for a private entrance that differs from that proposed in the application.
- (3) Whether or not specified by the Public Works Manager in the permit, every permit, including an extension permit, is issued subject to the following conditions:
 - (a) the permit holder shall remove at his cost:
 - (i) any private entrance, culvert, curb, sidewalk or ancillary installation along the frontage of the property, which becomes redundant as a result of the issuance of the permit; and
 - (ii) any private entrance which contravenes this By-law by reason of the construction, relocation or alteration of the private entrance authorized by the permit;
 - (b) a permit holder who closes a private entrance shall reinstate, at his expense, the sidewalk, shoulder, curb and boulevard in accordance with OPSS/OPSD
 - (c) the design and construction and installation of the private entrance or the removal and reset of any culvert shall be consistent OPSS/OPSD;
 - (d) the owner of property to which there is a private entrance is responsible for the maintenance and upkeep of the private entrance, including any curbs;
 - (e) the owner of property where there is a culvert installed below a private entrance is responsible for the maintenance and upkeep of the culvert including any headwalls;

- (f) the permit holder is responsible at the permit holder's own cost, to effect the surface restoration of the private entrance and for replacement of the headwall where a culvert has been installed, replaced or reset, even if the installed, replacement or reset was done by the Municipality;
 - (g) the permit holder is responsible to remove at his expense, all vegetation, earth, rock or other obstacles necessary to establish and maintain an adequate minimum stopping sight distance, determined in accordance with Schedule A; and
 - (h) the private entrance shall be constructed in accordance with OPSD, as amended or replaced from time to time.
 - (i) all construction, installation, removal or reinstatement labour and material shall be warranted by the contractor for a period of one (1) year from the date of inspection.
- (4) Where the application is for a private entrance to a private property with 50 or more parking spaces or carries traffic which, in the opinion of the Public Works Manager might impact adversely the quality of traffic service on the adjacent highway, the permit holder shall in addition to the conditions in Subsection 9(3):
- (a) pay for additional road works required to maintain the quality of traffic service on the adjacent highway, including channelization, deceleration and acceleration lanes, turning lanes and traffic control installations, which shall be constructed in accordance with OPSS/OPSD to the satisfaction of the Public Works Manager; and
 - (b) convey at no cost to the Municipality, good title, free of encumbrance, any land required for the purposes set out in paragraph 9(4)(a)
- (5) The Public Works Manager issues a Permit by dating as of the date of issuance and signing the Permit.
- (6) No permit holder shall fail to comply with the conditions in the permit or deemed to be included in the Permit.
- (7) The Public Works Manager may revoke a permit for failure to comply with any provision or condition of a permit of this By-law, in addition to any other enforcement proceedings against the permit holder.
- (8) Upon revocation of a permit, the permit holder of the revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which the permit was issued.

10. REPLACEMENT OF PRIVATE ENTRANCE

- (1) Replacement of a private entrance, if necessary due to normal wear and tear, is the responsibility of the Municipality. The Municipality shall not however be responsible for the repair or reinstatement of any decorative stone or embellishments on the private entrances, the responsibility therefor shall be borne by the owner.

11. TEMPORARY PRIVATE ENTRANCE

- (1) Despite any other provision of this By-law, the Public Works Manager may issue a permit for a temporary private entrance and may impose in the permit for the temporary private entrance, such conditions and restrictions for the safe and efficient movement of pedestrians and vehicles as the Public Works Manager determines to be appropriate, including the removal and reinstatement of traffic control devices including, but not limited to, traffic signs and traffic signals.
- (2) When a temporary private entrance requires the erection, removal or relocation of any traffic control device including, but not limited to, traffic signals and traffic signs, the permit holder shall be responsible for the cost of all work involved to the Public Works Manager's satisfaction.

12. EXPIRY OF PERMIT / EXTENSION OF PERMIT

- (1) A permit issued under this By-law shall expire after 12 months, if the work authorized under the permit has not been completed.
- (2) A permit holder may apply for a new permit where a permit has expired without the work being

completed.

- (3) A permit holder may apply in writing to the Public Works Manager for an extension of the permit where further time is required to complete the proposed work, provided such application is made prior to the expiry of the permit.
- (4) Where a fully complete application is submitted under Subsection 11(1), the Public Works Manager is authorized to issue one extension permit for a period not in excess of 6 months, either on the same terms as the original permit, or on such additional terms and conditions as the Public Works Manager determines to be appropriate. Any extension permit shall be subject to the conditions in Section 9.

13. DUTIES - PERMIT HOLDER

- (1) No permit holder shall fail to keep or fail to cause a copy of the permit to be kept at the site of the work authorized in the permit.
- (2) No permit holder shall fail to produce the permit or fail to cause the permit to be produced when asked to do so by a By-law Enforcement Officer.
- (3) No permit holder shall fail to comply with or fail to cause any person doing work pursuant to the permit to comply with the provisions of the permit and the provisions of this By-law.

14. DUTIES - GENERAL

- (1) The maintenance of private entrances, including but not limited to snow and ice removal, grading, gravel application and drainage (not depositing debris in the ditch or in front of the culvert, mowing, etc.) is the sole responsibility of the owner. Other maintenance such as periodic bottom cleanout or steaming shall be the responsibility of the Municipality. Damage to the culvert and adjacent ditch and road areas due to construction activities or other negligent actions of the owner such as heavy trucks or wide turning shall be the responsibility of the owner for which the repair and associated costs shall be borne by the owner.
- (2) No owner of private property shall construct or cause to be constructed, any curbing, headwalls, decorative stonework or landscaping on a private entrance the height of which extends above the level of the shoulder of the private entrance.

15. PUBLIC WORKS

- (1) Where the Municipality undertakes any construction or reconstruction work on a highway or undertakes drainage improvements or sewer and water work that affects a private entrance that conforms with this By-law the Municipality shall at its own expense:
 - (a) undertake any reconstruction of the private entrance made necessary by the construction or reconstruction of the highway; and
 - (b) where applicable, install a replacement entrance culvert to maintain the entrance and provide for side sloping. The Municipality shall not be required to replace culvert head walls.
- (2) The replacement private entranceway shall be compliant with this By-law, unless the Public Works Manager, in his discretion, authorizes a private entrance way which does not conform to this By-law, in a location and with a design approved by the Public Works Manager.

16. ENFORCEMENT - NO OBSTRUCTION ETC.

- (1) This By-law may be enforced by any By-law Enforcement Officer.
- (2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

17. RIGHT OF ENTRY - INSPECTION

- (1) A By-law Enforcement Officer may enter on private property at all reasonable times to ascertain whether the provisions of this By-law are complied with, a direction or order or notice given under this By-law, or a term of a permit issued under this By-law are complied with.

18. ORDER TO DISCONTINUE

- (1) Where the Public Works Manager is satisfied that a contravention of this By-law has occurred, the Public Works Manager may make an order requiring the person who contravened this 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. The Order shall set out reasonable particulars of the contravention, the location of the land on which the contravention is occurring and the date by which there must be compliance.

19. ORDER TO COMPLY

- (1) Where the Public Works Manager is satisfied that a contravention of this By-law has occurred, an Order may be made requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention. The order shall set out:
- (a) reasonable particulars of the contravention;
 - (b) particulars of the location where the contravention occurred;
 - (c) the work to be done to comply with this By-law;
 - (d) the date by which the work must be done; and
 - (e) provide that if the work is not completed by the date specified to the satisfaction of the Public Works Manager, that the Public Works Manager may cause the work to be done at the expense of the owner.

20. SERVICE OF ORDERS

- (1) Service of an Order under Section 17 or Subsection 18(1) shall be given to the owner, by delivering personally to the owner or by mailing to the owner by registered mail at the address recorded for the owner in the assessment roll for the property.

21. COMPLY WITH ORDER

- (1) Every person who is served with an Order under this By-law shall comply with the requirements of the Order within the time period specified in the Order.

22. REMEDIATION BY MUNICIPALITY

- (1) Where the owner fails to comply with the requirements of the Order under Subsection 18(1) within the time period specified in the Order, the Public Works Manager may cause such work to be done or take such steps as are necessary to meet the requirements of the Order, and the cost thereof including interest thereon at the rate of 15%, from the date the costs were incurred until payment in full, may be recovered from the owner by action or by adding same to the property tax rolls for the property owned by the owner and collecting them in the same manner as property taxes.

23. OFFENCES AND PENALTIES

- (1) Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- (2) For the purposes of Subsection 22 (1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.
- (3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of paying any costs or charges for which such person is liable under this By-law.
- (4) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the Municipality from issuing a separate legal proceeding to recover charges, costs

and expenses incurred by the Municipality and which may be recovered in a Court of competent jurisdiction.

- (5) The making of a false or intentionally misleading recital of fact, statement or representation in any application provided required by this By-law shall be deemed to be a violation of the provisions of this By-law.

24. PROHIBITION ORDER

- (1) When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

25. CONFIDENTIAL INFORMATION

- (1) All information submitted to and collected by the Municipality, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).
- (2) In the event that any person in submitting information to the Municipality or to the Public Works Manager in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the Municipality or the Public Works Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

26. SHORT TITLE

- (1) This Bylaw may be referred to as the "Private Entrance By-law".

27. SCHEDULES

- (1) The following schedule is incorporated into and forms a part of this By-law:
 - ➔ Schedule A –Guidelines for Approval of Private Entrances
 - ➔ Schedule B - Fees

28. REPEALS

- (1) Policy No. 1999-271 of the Municipality of West Nipissing and all amendments thereto are hereby repealed.

29. TRANSITION

- (1) Every private entrance constructed prior to the passage of this By-law shall be deemed to be in conformity herewith continue in force and be deemed to be issued under this By-law.

30. CONFLICTS

- (1) Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail

31. ENACTMENT

- (1) This By-law shall come into force and take effect immediately upon the final passing thereof.

ENACTED AND PASSED THIS 2nd DAY OF MAY, 2017 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK

**SCHEDULE "A" TO BY-LAW 2023/86
AMENDING BY-LAW 2017/39, AS AMENDED**

GUIDELINES FOR APPROVAL OF PRIVATE ENTRANCE

The following guidelines apply to Private Entrances:

1. A private entrance should not result in a contravention of the Municipality's Official Plan or Zoning By-law then in effect for the land to which the application for the Driveway Permit applies. The following provisions are included for assistance in issuing entrance permits only and are not intended to be an all-inclusive listing of prohibitions:
 - (a) A property containing one dwelling may not have more than one (1) Private Entrance;
 - (b) Additional Private Entrances may be issued for properties containing more than one dwelling, which may include, but not be limited to an accessory dwelling, a duplex, a triplex or a multiple dwelling. Additional Private Entrances will be permitted at the discretion of the Municipality in consultation with the Owner/Applicant. Factors including, but not limited to the design of the dwelling shall dictate the number and permitted width of the entrance(s);
 - (b) A Private Entrance should not be located within the sight triangle as defined in the Municipality's Zoning By-law;
 - (c) The Private Entrance to a property in a residential zone (R1 – R4) shall not exceed 50% of the lot's total frontage and shall not result in more than 50% of the front yard being used for parking;
 - (d) The entrance should not result in front yard parking contrary to the zoning for the property.
2. Entrances to new dwelling construction(s) shall be clearly shown on the Site Plan submitted with the Building Permit Application. The design of the proposed dwelling and applicable parking provisions of the West Nipissing Zoning By-Law 2014-45 will dictate the number and location of permitted entrances as well as other factors, including sight lines and inclines. In addition to the foregoing, the following shall be required for new entrances:
 - (a) an approved entrance permit shall be a condition of issuance of the building permit.
 - (b) Owners shall be responsible for marking the property boundaries and the proposed entrance location with flags or stakes in order to facilitate inspection by staff. Where boundaries are uncertain, owners will be responsible for obtaining the services of a surveyor to assist.
 - (c) The applicant shall be responsible for the construction, marking and maintenance of the detours required and for maintaining safety measures for the protection of the public during the construction of any works in respect to an entrance.
3. The sketch forming part of the application for the entrance and/or building permit should indicate that the entrance and culvert will be constructed in accordance with the Ontario Provincial Standard Drawings as amended or replaced from time to time;
 - (a) Subject to Subsection 4(2), the private entrance to a property in a residential zone should not be less than 6 meters in width measured at the street line and shall be in one (1) piece.
4. The private entrance to a property zoned for commercial, industrial, agricultural uses should not exceed 12.00 meters in width.
5. The private entrance to a property should not have a grade in excess of 10% at any point.
6. The centerline of a private entrance should intersect the centerline of the roadway as nearly as practicable at a right angle, but in no case should the acute angle between the centerline of the private entrance and the centerline of the roadway be less than 70 degrees.
7. No private entrance permit should be issued where the Public Works Manager, in his sole discretion determines that the private entrance would be likely to:
 - (a) result in undue interference with the safe movement of public traffic, pedestrians or other users of the abutting highway; or
 - (b) create hazardous conditions due to inadequate sight distance, horizontal or vertical alignments or other considerations.
8. Entrances may not interfere with roadside/road shoulder drainage:
 - (a) No person shall apply an asphalt, interlocking stone or other hard surface to that portion

of an entrance way on the road allowance of a Municipal Road except under a permit issued by the Municipality. No concrete surface or structures are permitted on the road allowance as part of any entrance way. Work shall be carried out in accordance with the Municipal specifications and at the expense of the owner.

- (b) Owners may not close in existing open ditch drainage courses other than at the site of the entrance.
 - (c) The Municipality shall not be responsible for replacing any structures connected with the entrance culvert.
9. Additional entrances may be permitted to access a farm or field on a parcel of land zoned for agricultural use only where evidence is provided that the said property is being used for agricultural purposes.

SCHEDULE “B” TO BY-LAW 2023/86
AMENDING BY-LAW 2017/39, AS AMENDED

FEES

1. The applicant shall pay to the Municipality the Application fee as follows:

New Entrance:

Residential/Agricultural/Rural lot	\$300.00
Commercial/Institutional/Industrial	\$500.00

Modification/Change of Location:

Residential/Agricultural/Rural lot	\$300.00
Commercial/Institutional/Industrial	\$500.00

Refundable Deposit Fees:

Deposit Fee payable on application	\$1,000.00
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2. In accordance with Section 7(1)(d), in order to ensure installation standards are met and professional construction techniques are employed, a road damage/non-completion deposit is required in an amount of One Thousand, (\$1,000.00) The deposit is fully refundable after the construction and restoration are complete and a final inspection has been carried out and there are no deficiencies. Should the Municipality be required to make repairs or to complete the construction, as deemed necessary by the Public Works Manager, the associated costs shall be deducted from the deposit and any costs over and above the deposit shall be invoiced to the owner.
3. The application for Entrance Permit shall be in the form attached hereto as Appendix I.