

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 75-2004

A BY-LAW TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING OR ALTERING OF ENTRANCES, ROAD CUTS AND CURB CUTS LOCATED ON TOWN OWNED ROAD ALLOWANCES OR OTHER PROPERTY UNDER THE JURISDICTION OF THE TOWN

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "*Municipal Act, 2001*") provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11(2) permits a municipality to pass by-laws respecting matters dealing with Highways;

AND WHEREAS pursuant to Section 44(1) of the *Municipal Act, 2001*, the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

DEFINITIONS

1. In this By-law:
 - a) "Adjacent Property" means the property abutting the Highway or the municipal property to which the entrance is intended to provide Entrance;
 - b) "Applicant" means any person and all successors including any builders, contractors, servants, employees, consulting engineers and agents acting pursuant to this By-law who applies for and/or has received a Permit under this By-law;
 - c) "Curb Cut" means any point at which the curb along a Road is interrupted or depressed to provide Entrance to the property;
 - d) "Curb Line" means the edge of the traveled portion of the Road (the line of curb, or the edge of asphalt where no curb exists);
 - e) "Director" means the Town's Director of Engineering Services, or his/ her designate;
 - f) "Director of Corporate Services" means the Town's Director of Corporate Services, or his/her designate;

- g) “Entrance” means any lane, ramp or drive intended to provide vehicular access from the traveled portion of a Town Road to the Adjacent Property;
- h) “Frontage” means the horizontal distance between the side lot lines of a property adjacent to a Road;
- i) “Intersection” means the location where two or more Roads converge or the convergence of a Road with a road not under the jurisdiction of the Town;
- j) “Public Services” means all servicing to be done by the Applicant on all lands and easements owned by the Town, and without limiting the generality of the foregoing, shall include storm drainage facilities, roads, structures, required fencing, boulevard grading, sodding, tree planting, landscaping, walkways, driveways, street lights, erosion control work, street signs, traffic control devices, and all other works required to be done by an Applicant in accordance with this By-law;
- k) “Restricted Entrance” means any Entrance that is approved and constructed for directionally controlled traffic;
- l) “Road” means a common and public highway, which is a Town highway, and includes any bridge, trestle, viaduct or other structure forming part of the highway, and includes the whole of the road allowance.
- m) “Road Cut” means any installation or construction of Public Services carried out within the limits of the Town’s Road or property;
- n) “Permit” means a permit issued by the Town in accordance with the requirements of this By-law that allows the Applicant on to a Road to perform and complete an Entrance and/or Curb Cut and/or Road Cut;
- o) “Town” means The Corporation of the Town of Milton;
- p) “Town Standards” means those standards, requirements and specifications set out in the Town’s Engineering and Parks Development Standards Manual as may be amended from time to time and all other applicable policies and by-laws of the Town as may be amended from time to time.

General

2. An application under this By-law shall provide the Director with the information required in the application form attached as Schedule “A” to this By-law, and shall supply any additional material as may be required by the Director. The Applicant shall comply with every regulation and procedure set out in this By-law.
3. All information as noted in Schedule “A” shall form part of this By-law.

4. A non-refundable administration fee in accordance with the Town's User Fee By-law, as amended from time to time, shall be required as part of an application under this By-law.
5. Removal of trees and shrubs from the Road or other Town property pursuant to the provisions of this By-law shall be subject to the Region of Halton's Tree By-law, as amended from time to time, and the approval of the Director.
6. The Town of Milton's Official Plan, as amended from time to time, may dictate that access to certain Roads and or Road classifications is not to be permitted and in such instance, notwithstanding any other provision in this By-law, no Permit shall be issued under this By-law.
7. All drains, ditches, culverts and watercourses shall be installed, and maintained in accordance with Town's Standards and the requirements of the following agencies, as applicable: Conservation Halton, the Credit Valley Conservation Authority, the Grand River Conservation Authority, the Niagara Escarpment Commission, the Ministry of Transportation, the Ministry of Natural Resources and the Ministry of the Environment. The Applicant, prior to issuance of a Permit under this By-law must obtain permits or approvals and satisfy all requirements of these agencies, where applicable.
8. The Applicant is required to supply to the Director a detailed cost estimate of any proposed Curb Cut, Road Cut and/or Public Services for which application is made under this By-law, for his or her review, and the approval of the estimate must be obtained from the Director, before a Permit can be issued.
9. Prior to the issuance of a Permit, the Applicant shall deposit with the Town cash, certified cheque or letter of credit in the amount of 100% of the cost estimate approved under s. 8 above.
10. Any letter of credit submitted to the Town as security under this By-law, must be in a form acceptable to the Town's Director of Corporate Services, and must contain the following provisions:
 - a) the letter of credit shall be security for any obligations of the Applicant pursuant to the provisions of the Permit, without any limitations whatsoever;
 - b) the letter of credit shall be an irrevocable letter of credit drawn on a financial institution acceptable to the Director of Corporate Services and shall contain the address of the branch of the financial institution where inquiries can be made and the letter of credit called upon;
 - c) drawings on the letter of credit shall be permitted upon presentation of a letter from the Town to the financial institution claiming default by the Applicant under the terms of the Permit and such default shall not be limited to the actions of the Applicant;
 - d) partial drawings shall be permitted;

- e) if the Town has not determined the extent of the default or the amount required to rectify the default or compensate the Town or third parties as a result thereof, the Town may draw on the full amount of the letter of credit without any requirement to justify the amount of the draw;
 - f) the letter of credit shall renew automatically;
 - g) the letter of credit shall contain a clause stating that thirty (30) days notification will be given to the Town in writing prior to its expiry or cancellation;
 - h) in the event that the Owner has provided a letter of credit and the Owner or the financial institution who issued the letter of credit notifies the Town that the letter of credit will not be renewed, the Town will automatically cash said letter of credit and set up a cash account as a performance guarantee.
11. The Town will not return securities to the Applicant until the Curb Cut, Road Cut and/or Public Services, which are the subject of the Permit, and all other terms and conditions of the Permit, are completed in conformity with the Town's Standards and to the satisfaction of the Director.
 12. The Applicant shall be responsible for obtaining location and stakeout information for all utilities and public services prior to the commencement of construction and shall be responsible for all damages to all existing services within the Road or other Town property when such damages arise out of the work undertaken by the Applicant.
 13. Where an Applicant fails to comply with any of the provisions of this By-law or the terms and conditions of any Permit, the Town may undertake and/or complete the Curb Cut, Road Cut and/or Public Services or other terms and conditions of the Permit, to effect compliance with the By-law and the Permit, and all costs and expenses incurred shall be borne by the Applicant or the same may be recovered in a like manner as municipal taxes against the Adjacent Property or from securities posted 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 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and every such penalty shall be recoverable under the *Provincial Offences Act*.
 15. When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
 16. This By-law may be cited as the Town of Milton Road Cut and Entrance Permit By-law.
 17. No Permit shall be issued unless the application therefor, complies with Town Standards, and all Curb Cuts, Road Cuts and Public Services shall be completed in conformity with the Town Standards.

Entrance and Road Cuts

18. No person shall construct, install, widen, or alter any Entrance, Road Cut or Curb Cut located on a Road or other Town property without a Permit issued by the Director under this By-law.
19. Notwithstanding Section 18, no Permit shall be required under this By-law, for the construction of new Entrances, Road Cuts or Curb Cuts within unassumed plans of subdivision that are approved in conjunction with a plan of subdivision by the Town.
20. No person shall construct, install, widen or alter any Entrance, Curb Cut or Road Cut located on a Road or any other Town property except in accordance with the plans, specifications, documents, Town Standards and any other information used as the basis for the issuance of a Permit and in accordance with any terms or conditions of the issuance of a Permit.
21. A Permit shall expire three (3) months after the date of issuance, if the work which is the subject of the Permit, has not commenced within that time. After the expiration of the three (3) month term, a new Permit must be obtained before proceeding with such work.
22. An Entrance, if permitted by the granting of a Permit under this By-law, is permitted on a Road or other Town property only to provide Entrance 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 By-law No. 1984-1, as amended from time to time.
23. The Director may remove, repair or alter any Entrance, Curb Cut or Road Cut on a Road or other Town property for which a Permit has not been issued, or remove, repair or alter such Entrance, Curb Cut or Road Cut which has not been constructed, repaired or altered in accordance with the Permit issued.
24. The Applicant and Adjacent Property owner, upon removal, repair or alteration of any Entrance, Curb Cut or Road Cut on a Road or other Town property pursuant to Section 23 of this By-law, shall be jointly responsible for the costs of such removing, repairing or altering on the Road and other Town property, or any other related work required, as determined by the Director.
25. Every Entrance located on a Road or other Town property shall be maintained in good condition by the Adjacent Property owner at his or her own expense in accordance with Town Standards.
26. All costs associated with the constructing, installing, repairing, widening or altering on a Road or other Town property required as a consequence of the application and any Permit issued, or any work undertaken as a result, as determined by the Director, shall be the joint responsibility of the Applicant and the Adjacent Property owner.

27. The Applicant agrees, as part of the application for a permit, to indemnify and save harmless the Town from all actions, causes of action, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his/her agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under the terms of the Permit or this By-law, and will be responsible for damages, injuries or accidents resulting from any of his or her operations, or caused by reason of the construction, repair, maintenance or existence of the Entrance, Road Cut or Curb Cut, or of any materials, plants or equipment used in connection with the construction, repair, maintenance or existence of an Entrance, Road Cut or Curb Cut completed.
28. The Town reserves for itself the right to alter, construct or remove any Entrance, Curb Cut or Road Cut located on a Road or other Town property without notice to, or permission from, the Adjacent Property owner or Applicant. This right also extends to allow work by third party utility services, provided such work is approved by the Town.
29. In addition to any other requirements of this By-law, no Entrance, Curb Cut or Road Cut shall be installed, constructed, altered or removed except in accordance with the following regulations noted below and as outlined in Schedule "A":
 - (i) all Entrances, culverts, Curb Cuts and Road Cuts shall be in accordance with current municipal standards and specifications;
 - (ii) all Entrances shall extend sufficiently onto the Adjacent Property to allow parking on the Adjacent Property and not on the Road or other Town property;
 - (iii) where an Entrance widening on a Road or other Town property is permitted pursuant to this By-law, it is to be constructed from a similar material and be of similar appearance to the original Entrance, except in commercial/industrial/institutional areas and in certain urban residential areas where asphalt or other permanent hard surface may be required;
 - (iv) no Entrance shall meet the traveled portion of the Highway at an angle of less than seventy (70) degrees;
 - (v) where an existing Entrance is being replaced, relocated or abandoned, it shall be removed from the Road at the time of creating the new Entrance, and the Road and other Town property shall be repaired by the Adjacent Property owner, at his or her expense, in accordance with Town Standards and any terms or conditions of the Permit, to the satisfaction of the Director;
 - (vi) all Entrances shall conform to the Town's Zoning By-law;
 - (vii) the minimum distance at the Curb Line between Entrances on the same property frontage shall be:
 - (a) a minimum of 15 meters for urban residential lots;
 - (b) a minimum of 30 meters for rural residential and farm lots;

- (c) at the discretion of the Director for commercial/industrial/institutional lots;
- (viii) the minimum distance at the Curb Line between any Entrance and any intersection shall be to Town Standards based on Road classification, traffic volume and speed or as otherwise determined by the Director;
- (ix) any Entrance to a commercial or industrial property shall conform to the Town's Site Plan Approval process and the Town Standards;
- (x) granular, asphalt or concrete ramping is not permitted in lieu of a Curb Cut;
- (xi) if the Applicant proposes a reversed (negative sloped) Entrance on private property, the Applicant must demonstrate to the satisfaction of the Director that the Entrance will not be flooded by the overland flow during a 100 year storm event or by flows in the storm sewer system. This Stormwater assessment must be completed by a qualified Civil Engineer utilizing the Town of Milton's Standards all to the satisfaction of the Director;
- (xii) all Entrances shall have unobstructed visual sightlines for entry/ exit for any part of the Road including sidewalks and/or bike trails;
- (xiii) Entrance location and design is subject to the specifications within Town Standards;
- (xiv) sight distance criteria, as referenced in the Town of Milton's Engineering and Parks Standards Manual shall restrict the location of any Entrance based on the Road geometries, and may result in refusal or relocation of the Entrance. This site line assessment must be completed by a qualified Transportation Engineer utilizing the Town's Standards, all to the satisfaction of the Director.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 30th day of August, 2004.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE "A" TO BY-LAW NO. 75-2004

Application Form



Road Cut and Entrance
Permit

Permit No.	-
<input type="checkbox"/> Road Cut	<input type="checkbox"/> Entrance
Charge Back #	
<u>Do Not Complete Shaded Areas</u>	

General Information

Name/Company Name	
Address	
Business Telephone Number ()	Fax Number ()
Applicant's Name (if different from above)	
After hours Contact	Telephone Number ()

Type of Work and Purpose

<input type="checkbox"/> Repair	<input type="checkbox"/> Boulevard Cut	<input type="checkbox"/> Pavement Cut	<input type="checkbox"/> Sidewalk Cut	<input type="checkbox"/> Curb Cut
<input type="checkbox"/> New	Size of cut		<input type="checkbox"/> Augered/Bored Road Crossing	

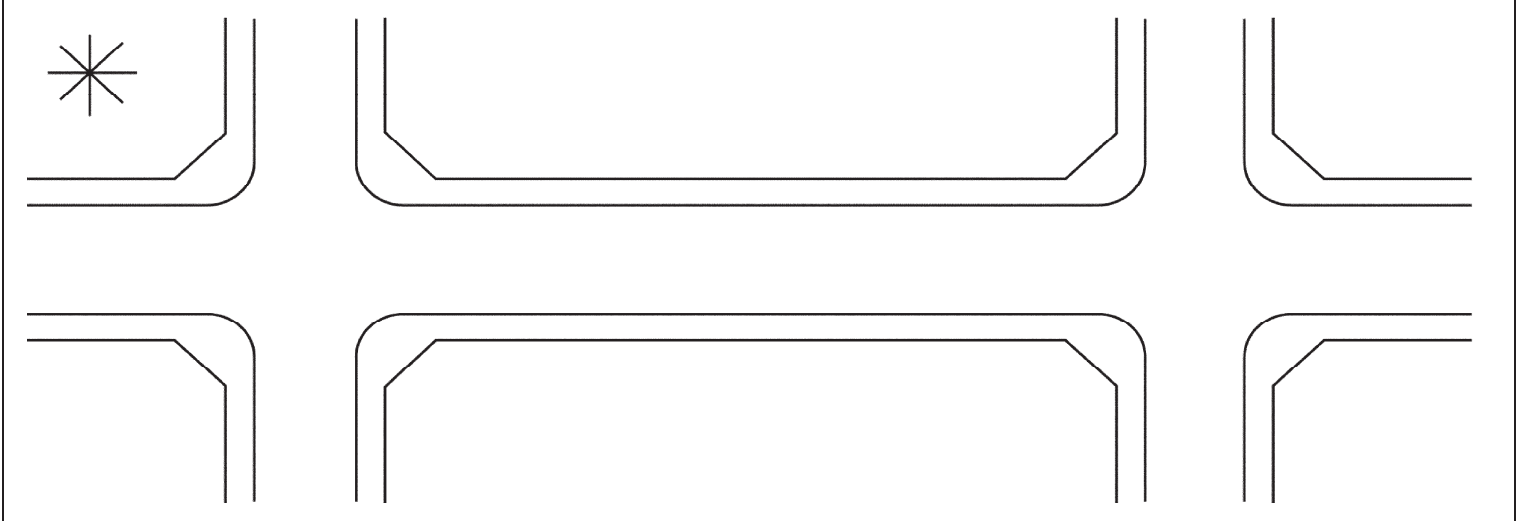
Location

Road Name _____	Legal Property Description _____
At/Between _____	Plan No. _____ M.C. No _____

Drawin

Entrance Width: _____	<input type="checkbox"/> Culvert - Length: _____ Diameter: _____	<input type="checkbox"/> Curb Cut - Length: _____	<input type="checkbox"/> Paved <input type="checkbox"/> Gravel
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Indicate North Arrow



Special Provisions

Town Costing

The applicant agrees to: 1) Accept full responsibility for the protection of all utilities, private property and persons affected by his/her operations; 2) Provide proof of liability insurance (\$5,000,000 minimum) naming the Town of Milton as additional insured; 3) Indemnify and save harmless the Town from all actions, causes of action, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his/her agents or employees doing, failing to do, doing

Repealed by By-law 035-2016

incorrectly or negligently anything the Applicant is required to do under the terms of the Permit or the By-law, and will be responsible for damages, injuries or accidents resulting from any of his/ her operations, or caused by reason of the construction, maintenance or existence of the Entrance, Road Cut or Curb Cut (ERCCC), or materials, plants or equipment used in connection with the construction, maintenance or existence of an ERCCC completed.

Failure to comply with all conditions will void this permit. This permit does not constitute site plan, M.C. and/or service connection approval.

Additional Permits	<input type="checkbox"/> Conservation: _____	<input type="checkbox"/> Region of Halton	<input type="checkbox"/> MTO	<input type="checkbox"/> Other: _____			
Duration Approved	To: _____	From: _____	Duration Required	To: _____	From: _____		
Town of Milton Approval		Date		Applicant's Signature		Date	
Warranty Approval		Date		Application Fee	<input type="checkbox"/> Paid	Amount \$	_____
				Security Deposit	<input type="checkbox"/> Paid	Amount \$	_____

General Conditions

1. All works carried out under this permit must be in conformance with the Town of Milton
2. Prior to commencing work, stakeouts must be obtained from all utilities in the Region of Halton.
3. When working, a copy of this permit and stakeouts must be on site at all times.
4. This permit is not valid until the signed copy is received by the Town of Milton.
5. One copy of detailed construction plans must be submitted with this permit.
6. **The return of the permit or copy to this office is notification of completion of work and restoration of site.**
7. Positive drainage shall be maintained during the course of the work.
8. No work is to be done during rush hour period (7:00 a.m. to 9:00 a.m., or 4:00 p.m. to 6:00 p.m.) on the travelled portion of the roadway.
9. All signs and equipment must be off the travelled portion of the roadway before 9:00a.m., or after 4:00 p.m.
10. Lane(s) of traffic must be maintained at all times when not working.
11. Lane(s) of traffic must be maintained during working hours. *Conditions continued on back*

V-12-047 00/05

Applicant Office Yard

General Conditions

12. All utilities shall be protected and supported, to the satisfaction of the affected utility.
13. The road surface and sidewalks shall be kept clear of obstructions or debris, to avoid hazard or inconvenience to the public.
14. Mud tracking or dust nuisance shall not be allowed. Any accumulation must be cleaned from the road and/or shoulders immediately. Failure to do so could result in the Town causing the cleaning to be carried out at the Applicant's expense and/ or charges under the Town's Obstructing Highways By-law (97-2000) as amended.
15. The Applicant shall not cut, trim or interfere with any trees (including roots) in the right-of-way without Town approval.
16. All changes and/or deviations from the approved plans and/or location shall be subject to reapproval by the Town of Milton.
17. The use of steel plating within the travelled portion of the R.O.W. **shall not** be permitted unless preapproved by the Town of Milton.
18. The road shall not be closed without the consent in writing of the Director, Engineering Services
19. Property owners and/or residents shall receive a minimum of 24 hours written notice prior to temporary closing of an entrance, unless an emergency.
20. The applicant agrees and accepts full responsibility to supply, maintain, clean and place all barricades, warning signs, delineators, and flashing lights, necessary for the protection of the public and the safe operation of the installation, at the applicant's own expense, as per the Ontario Traffic Manual, Book 7;latest revision. (Note:This manual depicts minimum standards, additional signing may be required.)
21. All disturbed or affected areas to be maintained and guaranteed for one year after completion and acceptance of the work by the Town, at the applicant's expense.
22. The applicant accepts the Town's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a) The Director, Engineering Services will give the applicant not less than twenty-four (24) hours notice of any remedial work required , except for emergency work.
 - b) If at the expiration of the time allowed, the applicant or his/her contractor has not commenced remedial work to the Director's satisfaction, the Town of Milton may undertake to have this work done by whatever means it deems necessary.
 - c) The applicant agrees to reimburse the Town of Milton for all costs incurred under 22a) and/or 22b) and/or to supply the Town with a Security Deposit, for a specified amount, where applicable as noted in the Road Cut and Entrance By-Law.

Entrance

23. Rural entrances shall have a minimum width of 6m, Urban residential entrances shall have a minimum width 4m.
24. All topsoil within the limits of the proposed entrance, from the edge of existing shoulder or curb to street line, shall be removed and disposed of by the

Repealed by By-law 035-2016

applicant.

25. Minimum compacted granular base within the right-of-way shall be 150 mm (6 in.) of granular "A" or 19 mm crusher run.
26. Fencing, gates, curb, headwalls, retaining walls, walkways, etc. shall not be constructed or installed on the right-of-way unless approved.
27. Culverts shall be new, corrugated, riveted, 16-gauge galvanized steel or approved equivalent. (diameter and length on front of permit)
28. Culverts shall be backfilled with a minimum compacted cover of 300 mm (12 in.) of granular "A". The remainder of the entrance within the right-of-way shall have a minimum compacted thickness of 150 mm (6 in.) granular "A" (or as specified by the Town and/or manufacturer).
29. Driveway side slopes shall be top dressed with a minimum 100 millimetres of topsoil and sodded and graded to a maximum 3:1 ratio from the entrance driveway platform to the ends of the culvert invert.

Trenches/ Granular

30. All Trenches shall be fully compacted by mechanical means, (roadway - 100% S.P.D., roadside - 95% S.P.D.) and all surfaces restored to original condition. Positive drainage shall be maintained during the course of the operation.
31. Mechanical and/or vibratory compaction equipment shall be on site prior to commencing work.
32. Trench to be backfilled with Granular Subbase Course Class "B", in 150 mm (6") layers to 450 mm (18") below the road surface, and each lift shall be compacted using mechanical tampers or vibrators. Water to be used, if needed, to obtain the required compaction, i.e. 100% S.P.D.
33. Granular Base Course Class "A" to 150 mm (6") below the asphalt base in two layers, and compacted as per Item 32.

Boulevard Works

34. Shoulders to be repaired as per conditions number 32 and 33, cleaned of mud and clay, etc., and restored to original cross-section and appearance.
35. In grassed areas adjacent to homes and businesses, sodding is required as per O.P.S.S. 571. All other areas shall be seeded and straw mulched as per O.P.S.S. 572. Topsoil shall be placed to a minimum of 100 mm (4") depth prior to seeding or sodding as per O.P.S.S. 570.
36. All disturbed ditches to be restored with at least four rows of sod placed in the bottom, as per OPSD 218.01.
37. Driveways shall be repaired in the same manner as the road, as outlined below.
38. Kill strips and centre medians shall be restored to original condition or better.
39. Sidewalks shall be restored to meet Town standards.

Road Works - Asphalt

40. On hot-mix asphalt pavement, cutting shall be done by means of sawing full depth to leave a clean straight edge. Excavation equipment such as backhoes, etc., shall not be used for this purpose. The adjoining pavement shall be protected from damage by equipment.
41. Cold patching to be placed immediately as a temporary surface. Permanent pavement repairs using hot-mix asphalt shall be made within 14 days. On some Town roads having heavy traffic volumes, it will be necessary to repair immediately with hot-mix asphalt. **Under no circumstance shall a cut be left with a granular surface.**
42. Prior to permanent pavement repairs, a 300 mm (12") wide strip of asphalt each side of the excavation shall be removed by full depth saw cutting.
43. The application of a bonding agent (SS1 emulsion) shall be applied to all cold asphalt joints and exposed concrete faces as per OPSS 1103.
44. **Limit of pavement construction joint to be sealed with "TBond HMA Joint Tape", "Densoband" Seal-Cut or approved equivalent.**
45. Asphalt depths are indicated on the front side of this permit under Special Provisions. Asphalt to be placed as per O.P.S.S. 310.

Road Works - Concrete Base/ Misc. Concrete

- 46 Existing concrete base must be saw cut a minimum of 300 mm wider, each side of excavated trench.
47. 600 mm, No. 20 (20 mm) re-bars must be doweled 300 mm into midpoint of existing cut concrete at 450 mm intervals, on each side of the concrete cut. (see attached)
48. Welded deformed wire mesh, OPSD 511.02, (D8.2 mm, 150 mm OC, 0.405 Kg/m by D5.7 mm, 305 mm OC 0.202 Kg/m) to be placed full width of excavation and wired to doweled re-bars, or equivalent. (see attached)
49. 35 MPa high early strength concrete to be placed to match existing, as per O.P.S.S. No. 1350.
50. Concrete restoration shall not be open to traffic until concrete has reached 75 per cent of the 28 day strength.

ALL CONDITIONS ARE SUBJECT TO REVISION AS NECESSARY. REPAIRS SHALL BE EQUAL OR SUPERIOR TO THE ORIGINAL CONDITION.

Mailing Address: Town of Milton
Engineering Services
43 Brown St., Milton ON L9T 5H2

Permit Pick-up/ Drop-off: Engineering Services
555 Industrial Dr., 2nd Floor,
South Entrance (905) 878-
7252