

BY-LAW NO. 211-79

OF

THE REGIONAL MUNICIPALITY OF DURHAM

AMENDED BY

BY-LAW # 216-90

AMENDED BY

BY-LAW # 16-93

being a by-law to designate all roads or parts thereof that constitute the Regional Road System as controlled-access roads and to regulate the construction or use of any private road, entranceway, structure or facility as a means of access to all Regional roads.

WHEREAS Subsection 1 of Section 48 of The Regional Municipality of Durham Act, as amended, provides that the Regional Council may by by-law designate any road in the Regional Road System, or any portion thereof, as a controlled-access road;

AND WHEREAS Section 49 of the said Act provides that the Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a Regional controlled-access road;

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of the Regional Municipality of Durham through its Council thereof as follows:

1. In this by-law, "close up" includes the removal, replacement or elimination of any culvert, curb and gutter, gravel, asphalt, curb ramping material or any other facility constructed or used as a means of access to a Regional road.
2. That all roads or parts thereof that from time to time constitute the Regional Road System are hereby designated as controlled-access roads.
3. That no person shall construct or use any private road, entranceway, structure or facility as a means of access to a Regional road except in accordance with the conditions of a Property Access Permit issued by the Commissioner of Works of the Regional Municipality of Durham (hereinafter called the "Commissioner") or his designated representative.

4. That in determining whether or not a Property Access Permit shall be granted, the Commissioner shall consider the Transportation Section of the Regional Municipality of Durham Official Plan, the location, width and proposed use of the private road, entranceway, structure or facility to be constructed or used as a means of access to the Regional road and shall have regard to the sight distance along the road, the location of trees and public utility services and the Entranceway Policy of the Regional Municipality of Durham as adopted by Council.

5. (1) That all costs pertaining to the construction of the private road, entranceway, structure or facility constructed or used as a means of access to a Regional road including the installation of culverts and catchbasins, the removal of concrete curbs and gutter and the replacement with concrete curbs and gutter with or without concrete drop curb sections, the saw cutting of existing concrete curb to provide a drop curb section and other associated works shall be paid by the person applying for Property Access Permit (hereinafter called the "Applicant").

(2) That all works undertaken within a Regional road allowance shall be carried out by the Regional Works Department unless otherwise authorized by the Commissioner.

(3) That any existing drop curb sections fronting or abutting the Applicant's property which have no further use for access shall be removed and replaced with concrete barrier-type curb and gutter at his expense.

(4) That a sum of money being the flat rate charge for either,
(a) a culvert installation type access of up to 600 millimetres (24 inches) diameter by 12.2 metres (40 feet) long, or
(b) any curb cut type access,

will be paid to the Region at the time application is made for a Property Access Permit.

(5) That any access or closure to be constructed in excess of those stated in subsection 4 is to be carried out as an actual cost installation. A deposit based upon the estimated cost of the work is to be given to the Region at the time of application for a Property Access Permit. If the sum deposited, being the estimated cost of constructing the means of access or closing up an existing means of access within a Regional road allowance is more than the actual cost, then the Region will refund the excess to the applicant. Should the fund deposited be less than the actual cost, then the applicant shall pay the difference between the sum deposited and the actual cost.

6. That no person shall tile or cover a roadside ditch except in accordance with the conditions of a Property Access Permit.

7. That any person applying an asphalt, concrete or any other type of surface to any portion of the driveway situated on a Regional road allowance, in accordance with the conditions of the Property Access Permit, shall do so at his own expense. That person shall be responsible for the maintenance and repair of same and all costs of such maintenance and repair.

8. That the provisions of this By-law shall not apply so as to prohibit the use of any private road, entranceway, structure or facility constructed or used as a means of access to a Regional road before the day on which this By-law takes effect.

9. That if the owner of any land constructs an access which the Commissioner deems hazardous, the Region will remove that access. Any expense or costs incurred by the Region in removing the access shall be paid by that person.

10. That the Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a Regional road in contravention of this by-law.

11. That every notice given under Section 10 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail, shall be deemed to have been received on the fifth day following the mailing thereof.

12. That where the person to whom notice is given under Section 10 fails to comply with the notice within thirty (30) days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility constructed or used as a means of access to a Regional road, as required by the notice and any expense or cost incurred by the Region in closing up a private road, entranceway, structure or facility shall be paid by that person.

13. That every person who fails to comply with a notice given under Section 10 is guilty of an offence and on a summary conviction is liable to a fine of not less than \$10.00 and not more than \$100.00 for a first offence and to a fine of not less than \$50.00 and not more than \$500.00 for a second or subsequent offence.

14. That the Regional Municipality of Durham shall maintain and replace from time to time as required all culverts and curb and gutter installed pursuant to this By-law. The maintenance or repair of the driving surface of the driveway necessitated by the above mentioned work shall be the responsibility of the owner of the land for which the entranceway provides access.

15. That this by-law shall apply to those boundary roads between the Region of York and the Region of Durham and the County of Victoria and the Region of Durham which are under the jurisdiction of the Regional Municipality of Durham.

16. That every person who contravenes any Section of this by-law, with the exception of Section 10, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.00.

17. By-law number 290-76 of the Regional Municipality of Durham is hereby repealed.

18. This by-law takes effect on the day of its final passing.

BY-LAW read a first time this 6TH day of February ~~1980~~

BY-LAW read a second time this 6TH day of February 1980.

BY-LAW read a third time and passed this 6TH day of February 1980.

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