



BY-LAW NO. 2018-0028

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;

AND 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 April 30, 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 Widening or Altering 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) or 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 11th day of June, 2018.

MAYOR – RICK BONNETTE

CLERK – SUZANNE JONES