

The Corporation of the County of Peterborough

By-law No. 2012 - 26

A By-law to adopt Guidelines concerning development adjacent to County Roads (Entrance Permit) and to repeal By-law No. 30-2002 and to amend By-law No. 2011-53 being the Tariff of Fees and Charges By-law

Whereas Section 5(3) of the Municipal Act, S.O. 2001, c. 25 (hereinafter referred to as the "Act") provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

And Whereas section 9 of the Municipal Act, S.O. 2001, c. 25 (hereinafter referred to as the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas section 8(1) of the Act, further provides that section 8 shall be interpreted broadly so as to confer broad authority on municipalities,

- (a) to enable them to govern their affairs as they consider appropriate; and
- (b) to enhance their ability to respond to municipal issues.

And Whereas at the County Council Meeting of May 1, 2002, County Council passed By-law No. 30-2002, being a by-law to adopt Guidelines concerning development adjacent to County Roads;

And Whereas at the County Council Meeting of August 17, 2011, County Council passed By-law No. 2011-53, being a by-law to amend Schedule "A" of By-law No. 2010-51, being a by-law to establish a Tariff of Fees levied by the Corporation of the County of Peterborough;

And Whereas section 27(1) of the Act provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

And Whereas the County Transportation Plan identifies the need to establish an access management policy to support the Official Plan policies of the County which will maintain the ability to carry through traffic at reasonable speeds without disruption due to driveway access;

And Whereas at the County Council Meeting of December 21, 2011, County Council passed Resolution 9-2011 as follows:

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“ Be it resolved that County Council refers this matter back to staff to seek input from the Township CAO’s over the next two months and to bring back the draft Entrance Permit Guidelines to County Council in March, 2012 incorporating Township comments and suggestions received and the Council comments raised during today’s County Council Meeting, including, but not limited to:

1. What was the permitted distance between entranceways in the current Guidelines.
2. What is the rationale for the change in the permitted distance between entranceways in the proposed Guidelines.
3. A cost breakdown of the \$3,350 charge related to the County force conducting the required work and the justification for this proposed change.
4. Provision of an alternative fee schedule if the Guidelines eliminate the County force conducting the required work since the County would have to conduct inspections of the work performed by the contractor and/or property owner.”

And Whereas at the County Council Meeting of April 18, 2012, County Council accepted the recommendation of the Director of Public Works contained in the Manager of Technical Services’ report “Amendments to By-law No. 30-2002 A By-law to Adopt Guidelines concerning development adjacent to County Roads (Entrance Permit)” wherein he recommended:

“That Council repeal By-Law No. 30 - 2002, being a By-Law to Adopt Guidelines concerning development adjacent to County Roads and, further;

That Council approve the new By-Law, being a By-Law to Adopt Guidelines concerning development adjacent to County Roads, and further;

That Council amend the Tariff of Fees and Charges By-law No. 2011-53 to append fees associated with the new By-Law related to development adjacent to County Roads;

That the appendices of the County Official Plan be amended accordingly”;

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Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows, that:

1. The Guidelines concerning Development adjacent to County Roads (Entrance Permit) in the form attached hereto as Schedule "A" to this By-law are hereby adopted.
2. By-law No. 2011-53, being a By-law to establish a Tariff of Fees be amended by replacing Schedule "A" of that By-law with Schedule "B" attached hereto to this By-law to include the following fees:

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| H. | Public Works | |
| 1. | Entrance Permit – Low Volume Entrances – Residential, etc. | |
| a. | Permit Application Processing | \$150.00 per application – Non-refundable |
| b. | Entrance Installation Cost (flat fee for all Low volume Entrances regardless of conditions) | \$3,350.00 – refundable to applicant if permit not approved for issuance |
| c. | Security deposit for paving of entrance by applicant | \$1,500.00 – refundable to applicant upon satisfactory proof of completion to County |
| 2. | High Volume Entrances – Commercial/Institutional/Industrial | |
| a. | Permit Application Processing | \$250.00 per application – Non-refundable |
| b. | Entrance Installation Cost – if constructed by County Forces | Actual Construction Cost (job rate + benefits + materials + disbursements + 15% administration fee – refundable to applicant if permit not approved for issuance |
| c. | Security Deposit for paving of entrance by applicant | \$2,500.00 – refundable to applicant upon satisfactory proof of completion to County |

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| 3. | High Volume Entrances – Public Roads | |
| a. | Permit Application Processing | \$500.00 per application – Non-refundable |
| b. | Entrance Installation Cost – as constructed by County Forces | Actual Construction Cost (job rate + benefits + materials + disbursements + 15% administration fee) – Refundable to applicant if permit not approved for issuance |
| c. | Security Deposit for Paving of Entrance by Applicant | 100% of Estimated Construction Cost – Letter of Credit or Cash Security – Refundable to Applicant upon satisfactory proof of completion to County |
| 4. | Minor Variance Application | |
| | Application to Director of Public Works for minor variance | \$150.00 per application – Non-refundable |

3. By-law No. 30-2002 passed by County Council on the 1st day of May, 2002 be and is hereby repealed.
4. This By-law shall come into force and effect on the date of final passing.
5. That the appendices of the County Official Plan be amended accordingly.
6. Enforcement
 - a. Every person who contravenes the provisions of this by-law is guilty of an offense and on summary conviction is liable to a fine of not less than \$50.00 and not more than \$300.00 exclusive of costs.
 - b. Each day of default by the owner in comply with any of the provisions of this by-law shall constitute a separate offense.
 - c. Provided always that in default of the work being done by the person directed or required to do it, such matter or thing shall be done by the Corporation at the owner’s expense and the Corporation may recover the expense incurred in doing it by action and the Corporation may provide that the expense incurred by it, with interest, shall be payable within one year.

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7. That this By-law shall be commonly called the “Entrance Permit Guidelines” By-law.

Read a first, second and third time and passed in Open Council this 18th day of April, 2012.

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| J. Murray Jones | Warden |
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c/s

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| Sally Saunders | Clerk |
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