

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #5648

COUNTY HIGHWAY BY-LAW

A BY-LAW to Provide for the Regulation of Activities Upon, Under, Over or Nearby County Highways.

WHEREAS Part II of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the "Municipal Act") authorizes a municipality to pass By-Laws for the regulation of matters under its jurisdiction and to provide for a system of licenses, permits, approvals or registrations regarding matters that are so regulated;

AND WHEREAS Section 78 of the Municipal Act authorizes a municipality to require utilities installing new facilities and infrastructure or opening up areas of the public road allowance to obtain permits and remit security deposits;

AND WHEREAS Part IV of the Municipal Act authorizes a municipality to require persons who sell goods or services from any road allowance to obtain permits;

AND WHEREAS Section 101 of the Municipal Act authorizes a municipality to pass By-Laws regulating the removal and impounding of vehicles parked or stored on or nearby a public highway;

AND WHEREAS Part XII of the Municipal Act authorizes a municipality to charge permit fees and require security deposits under all of the municipality's By-Laws;

NOW THEREFORE the Council of The Corporation of the County of Middlesex enacts as follows:

1. GENERAL

1.1 Short Title

1.1.1 This By-Law, including all schedules attached hereto and forming part of this By-Law, may be cited as the "County Highway By-Law".

1.2 Interpretation

1.2.1 The captions and headings in this By-Law are inserted for convenience only and do not define, limit or enlarge the scope, meaning or intent of any provision.

1.2.2 In this By-Law, words used in the present tense include the future tense, words in the masculine gender include the feminine and neuter and the singular number includes the plural and the plural the singular.

1.2.3 In this By-Law, the word "shall" is mandatory and not discretionary.

1.3 Application of Other Legislation

1.3.1 Nothing in this By-Law shall relieve any person from any obligation to comply with the requirements of any other By-Law or legislation or with the requirement to obtain any license, permit, certificate, authority, approval, consent, variance or remit any fee, security deposit, letter of credit or any other security or payment otherwise required.

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1.4 Validity

Should any section, clause or provision of this By-Law be held by a Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of the By-Law shall not be affected thereby. Each section, clause or provision of this By-Law are hereby deemed to be separate and distinct sections, clauses or provisions.

1.5 Conflicting By-Laws

Where any section, clause or provision of this By-Law conflicts with any section, clause or provision of any other By-Law of The Corporation of the County of Middlesex, the section(s), clause(s) or provision(s) that establish(es) the higher standard shall prevail.

1.6 Change in Statutes

Where any Act or any portion of any Act is referred to in this By-Law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

1.7 Effective Date

This By-Law shall come into full force and effect as of the date of passing hereof.

2. DEFINITIONS

“County Engineer” shall mean the person appointed by the Council of The Corporation of the County of Middlesex to the position of County Engineer and any employee of The Corporation of the County of Middlesex who acts at the direction of the County Engineer.

“County Highway” shall mean a public highway, road allowance, street, avenue, lane or other public way under the jurisdiction of The Corporation of the County of Middlesex. A County Highway shall include without limitation the Roadway, Road Works and any lands that form part of the public highway but do not constitute part of the Roadway.

“County Highway Line” shall mean the boundary between the County Highway and land abutting the County Highway.

“Private Entrance” shall mean the portion of a County Highway which is improved to permit the passage of persons or vehicles from a Roadway or a sidewalk to an abutting property.

“Refreshments” shall mean take-out food, snacks and drinks intended to be consumed within a short time after purchase.

“Refreshment Vehicle” shall mean a Vehicle from which Refreshments are sold. A Refreshment Vehicle does not include a Vehicle from which meals, groceries and other food products intended to be consumed over a long period of time are sold.

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“Retail Sales” includes but is not limited to sales conducted from a Refreshment Vehicle, vending box, cart, stand or any temporary or permanent structure.

“Roadway” shall mean the travelled portion of a County Highway which is improved for the travel of Vehicles.

“Road Works” shall mean the physical improvements which have been made to a County Highway including pavement, curbs (if applicable), signs, gutters, ditches, trees, culverts, treed and graded surfaces, swales, utility apparatus, utility infrastructure, gravelled surfaces.

“Utility” means a system that is used to provide for any of the following services or things for the public:

- (i) water;
- (ii) sewage, stormwater and other drainage from property;
- (iii) fuel, including natural and artificial gas;
- (iv) energy;
- (v) electricity;
- (vi) heating and cooling; and
- (vii) telephone.

“Vehicle” shall mean a wheeled self-propelled vehicle for the transportation of passengers or goods and, without limiting the generality of the foregoing, may include automobiles, trucks, buses, ambulances, hearses, motor homes, trailers and tractors.

3. PROHIBITED MATTERS

3.1 Excavation - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, make any excavation upon or under a County Highway except as herein specifically provided for and permitted.

3.2 Road Works - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, commence or undertake any Road Works upon, under or over a County Highway except as herein specifically provided for and permitted.

3.3 Removal of Material - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, remove, disturb or otherwise displace any earth, gravel, pavement, Utility infrastructure, equipment or other material located upon, under or over a County Highway except as herein specifically provided for and permitted.

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3.4 Landscaping - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, commence or undertake any landscaping, grading or other similar work upon or under a County Highway except as herein specifically provided for and permitted.

3.5 Closing and Obstruction - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, close, obstruct or cause or permit the closing or obstruction of any County Highway, except as herein specifically provided for and permitted.

3.6 Crane - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, operate a crane, boom, heavy equipment or other similar equipment above a County Highway except as herein specifically provided for and permitted.

3.7 Sale of Items - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, sell, display or offer for sale any goods or otherwise conduct any Retail Sales in or upon a County Highway except as herein specifically provided for and permitted.

3.8 Private Entrance - Properties Abutting County Highways

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, construct a Private Entrance upon a County Highway except as herein specifically provided for and permitted.

3.9 Parking or Storage of Unlicensed Vehicles - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, park or store (temporarily, permanently or otherwise) an unlicensed Vehicle upon a County Highway.

3.10 Parking or Storing of Vehicles - County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, park or store (temporarily, permanently or otherwise) a Vehicle upon a County Highway unless otherwise permitted at law.

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3.11 Unlicensed Vehicles - Obstructing Lands Abutting County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, park or store (temporarily, permanently or otherwise) any unlicensed Vehicle upon lands abutting a County Highway where the parking or storing of such unlicensed Vehicle obstructs or otherwise interferes with public travel on the County Highway or obstructs or otherwise interferes with snow and ice removal or the use of the abutting lands by emergency Vehicles.

3.12 Vehicles - Obstructing Lands Abutting County Highway

No person, firm, corporation, partnership, Utility or any other entity shall, directly or indirectly, either by himself or by permitting or authorizing others, park or store (temporarily, permanently or otherwise) any Vehicle upon lands abutting a County Highway where the parking or storing of such Vehicle obstructs or otherwise interferes with public travel on the County Highway or obstructs or otherwise interferes with snow and ice removal or the use of the abutting lands by emergency Vehicles.

3.13 Removal of Unlicensed Vehicles - County Highway

Any unlicensed Vehicle which is parked, stored or otherwise located (temporarily, permanently or otherwise) upon a County Highway shall be removed from the County Highway by the owner of the unlicensed Vehicle. If the owner of the unlicensed Vehicle does not so remove the unlicensed Vehicle, the County Engineer shall, upon delivery of the requisite notice as set out herein, have the right to remove the unlicensed Vehicle from the County Highway and store and impound the unlicensed Vehicle in a location to be determined by the County Engineer at his discretion.

3.14 Removal of Vehicles - County Highway

Any Vehicle which is parked, stored or otherwise located (temporarily, permanently or otherwise) upon a County Highway shall be removed from the County Highway by the owner of the Vehicle unless otherwise permitted at law. If the owner of the Vehicle does not so remove the Vehicle, the County Engineer shall, upon delivery of the requisite notice as set out herein, have the right to remove the said Vehicle from the County Highway and store and impound the Vehicle in a location to be determined by the County Engineer at his discretion.

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3.15 Removal of Unlicensed Vehicles - Obstructing Lands Abutting County Highway

Any unlicensed Vehicle which is parked, stored or otherwise located (temporarily, permanently or otherwise) upon lands abutting a County Highway shall be removed from the lands abutting a County Highway by the owner of the unlicensed Vehicle where the parking or storing of such unlicensed Vehicle obstructs or otherwise interferes with public travel on the County Highway or otherwise interferes with snow and ice removal or the use of the abutting lands by emergency Vehicles. If the owner of the unlicensed Vehicle does not so remove the unlicensed Vehicle, the County Engineer shall, upon delivery of the requisite notice as set out herein, have the right to remove the unlicensed Vehicle from the lands abutting the County Highway and store and impound the unlicensed Vehicle in a location to be determined by the County Engineer at his discretion.

3.16 Removal of Vehicles - Obstructing Lands Abutting County Highway

Any Vehicle which is parked, stored or otherwise located (temporarily, permanently or otherwise) upon lands abutting a County Highway shall be removed from the lands abutting the County Highway by the owner of the Vehicle where the parking or storing of such Vehicle obstructs or otherwise interferes with public travel on the County Highway or otherwise interferes with snow and ice removal or the use of the abutting lands by emergency Vehicles. If the owner of the Vehicle does not so remove the Vehicle, the County Engineer shall, upon delivery of the requisite notice as set out herein, have the right to remove the said Vehicle from the lands abutting the County Highway and store and impound the Vehicle in a location to be determined by the County Engineer at his discretion.

4. REMOVAL OF OBSTRUCTIONS

4.1 Projections - Over County Highway

Any structure, equipment, crane, boom, heavy equipment or other thing which projects into, onto or over a County Highway or is located upon a County Highway shall be removed by the owner of the land where such structure, equipment, crane, boom, heavy equipment or other thing is located except as herein specifically provided for and permitted.

4.2 Structure - Obstruction - County Highway

Any fence, structure or other thing which obstructs a County Highway or which interferes with public travel on a County Highway shall be removed by the person who owns the fence, structure or other thing or the person who has built, maintained, placed or deposited such fence, structure or other thing.

4.3 Pre-existing Structure - County Highway

Any structure which projects into, onto or over a County Highway or obstructs or is located upon a County Highway prior to the date of the passing of this By-Law shall not contravene this Section 4. For the purpose of this Section 4.3, "structure" shall include a building, shed, soffits and eaves troughs or any portion thereof.

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5. PERMITTED ACTIVITIES

5.1 Maintenance - County Highway

It shall be lawful for an owner or occupant to plant and maintain a grassed area and landscape upon the portion of the County Highway which abuts his premises that is not part of the Road Works.

5.2 Private Entrances - County Highway

It shall be lawful for an owner or occupant to construct and maintain at his own risk and expense a Private Entrance to his premises which conforms to the requirements of any permit issued by The Corporation of the County of Middlesex in the form of Schedule "A" of the By-Law or in accordance with the written directions of the County Engineer.

5.3 Work - County Highway

It shall be lawful for work to be done under, upon or over a County Highway pursuant to a permit issued by The Corporation of the County of Middlesex in accordance with Schedule "B" of this By-Law and upon remittance of the requisite fees, costs and expenses to The Corporation of the County of Middlesex.

5.4 Work - Utility - County Highway

It shall be lawful for a Utility to undertake and complete work upon, under or over a County Highway pursuant to a permit issued by the County Engineer in accordance with Schedule "B" of this By-Law and upon remittance of the requisite fees, costs and expenses to The Corporation of the County of Middlesex.

5.5 Sale of Goods - Refreshment Vehicle

It shall be lawful for Refreshments to be sold from a Refreshment Vehicle upon a County Highway (subject to the requirements of other laws) at a location approved by the County Engineer upon: (i) the issuance of any permit required by The Corporation of the County of Middlesex; and (ii) the issuance of any license required by The Corporation of the County of Middlesex.

5.6 Sale of Goods - County Highway

It shall be lawful for goods to be sold and Retail Sales to occur upon a County Highway (subject to the requirements of other laws) from a cart, vending box or stand approved as to location by the County Engineer upon: (i) the issuance of any permit required by The Corporation of the County of Middlesex; (ii) the payment in advance of such fees as may be prescribed by The Corporation of the County of Middlesex from time to time; (iii) the delivery of proof of insurance in a form and amount that is satisfactory to the County Treasurer; and (iv) an agreement in writing to indemnify and save harmless The Corporation of the County of Middlesex from all claims and judgments arising from such activity.

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5.7 Exception - County Employees - Agents - Contractors

The provisions of this By-Law shall not apply to works undertaken by employees of The Corporation of the County of Middlesex, or by any agents or contractors employed by The Corporation of the County of Middlesex, acting under the direction of the County Engineer.

5.8 Liability - Requirements - County Indemnified

All authority conferred under this By-Law is subject to the condition that each person who exercises a right to use a County Highway in the manner provided is liable to any person who consequently suffers injury or loss. Any person who exercises a right to use a County Highway shall also indemnify The Corporation of the County of Middlesex from all such claims and actions.

5.9 Restoration - County Highway

It shall be a condition of any activities undertaken by any person, firm, corporation, partnership, Utility or any other entity upon any County Highway or upon lands abutting any County Highway that such person, firm, corporation, partnership, Utility or any other entity shall restore the County Highway to the same condition that the County Highway was in prior to the time that the person, firm, corporation, partnership, Utility or any other entity entered upon the said County Highway or the lands abutting the County Highway and undertook such activities.

6. TEMPORARY CLOSING - REPAIRS

6.1 Engineer - Authority

The County Engineer, in his sole discretion, may close any County Highway to public travel for the purposes of repairing or improving it, installing Road Works, utilities, Utility infrastructure, to facilitate cultural, social, recreational, community and athletic events and, if necessary, to maintain public safety.

6.2 Use - Closed County Highway - At Own Risk

Every person, firm, corporation, partnership, Utility or any other entity who uses a County Highway, or a portion of a County Highway, so closed to traffic does so at his own risk.

6.3 Use - Closed County Highway - Offence

Every person, firm, corporation, partnership, Utility or any other entity who uses a County Highway, or a portion of a County Highway which has been closed to traffic or who removes or defaces any barricade, device, detour sign or notice, is guilty of an offence and is also liable for any damage or injury occasioned by such wrongful use, removal or defacement.

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7. ENFORCEMENT

7.1 Fine - For Contravention

Any person who contravenes any provision of this By-Law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act and Part XIV of the Municipal Act.

7.2 Continuation - Repetition - Prohibited - By Order

The Court in which the conviction has been entered, and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

7.3 Performance of Covenants

If any person, firm, corporation, partnership, Utility or any other entity, by any act or omission, contravenes any section, clause or provision of this By-Law, without in any way limiting the obligations of such person, firm, corporation, partnership, Utility or any other entity, The Corporation of the County of Middlesex shall have the right, but not the obligation, to take such actions as may be necessary to remedy the contravention of the section, clause or provision of this By-Law. In the event that The Corporation of the County of Middlesex takes such actions as are necessary to remedy any contravention of any section, clause or provision of this By-Law, The Corporation of the County of Middlesex shall have the right to collect any costs, disbursements or other expenses incurred in like manner as the collection of municipal taxes.

7.4 Notice

In the event that The Corporation of the County of Middlesex exercises its rights to remedy any contravention of this By-Law, before taking such action, The Corporation of the County of Middlesex shall make reasonable efforts to deliver notice to the person, firm, corporation, partnership, Utility or any other entity which has contravened this By-Law. Notice under this Section shall be effectively given when:

(a) personally delivered to the intended recipient;

(b) mailed pre-paid registered mail to the intended recipient at his last known address shown on the records of The Corporation of the County of Middlesex; or

(c) by posting a notice on any Vehicle (licensed or unlicensed) owned by the intended recipient.

Notice personally delivered to the intended recipient shall be deemed received on the date of delivery. Notice given by pre-paid registered mail shall be deemed received on the second business day following the mailing thereof. Notice posted on any Vehicle owned by the intended recipient shall be deemed received the day following delivery thereof.

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PASSED IN COUNCIL this 14th day of January, 2003.

Warden

Clerk

THE CORPORATION OF THE COUNTY OF MIDDLESEX

SCHEDULE "A"

TO BY-LAW #

COUNTY OF MIDDLESEX

ENTRANCE/WORK PERMIT NUMBER _____

Approval is granted to: (NAME) Owner/Applicant	
Address:	
Postal Code:	Tel.:
For a _____ entrance to serve LOT or Municipal No. , Concession or Street: No.	
Municipality of _____ on the _____ side of Middlesex County Road No. _____ at a location:	

Requirements for the Entrance:

Top Width: _____ metres	Surface Type: _____
Length of Pipe: _____ metres	Diameter of Pipe: _____

GENERAL CONDITIONS:

1. It is the applicants responsibility to advise the County when all work on the road allowance is completed and ready for inspection. Costs for repeated inspections may be deducted from the deposit. The County reserves the right to retain all or part of the deposit to offset County costs to restore unsatisfactory work to match original conditions; for any damage claims, or for other County costs related to work performed under this permit. The County also reserves the right to retain all or part of the deposit for a minimum period of six months after initial acceptance by the County for potential settlements, ground cover restoration, etc. 2. The applicant is required to protect existing cables, conduits, structures or other appurtenance from damage as result of the work under this permit. Any such damage occurring shall be immediately repaired to the satisfaction of the authority having jurisdiction over the damaged plant. 3. The County does not guarantee that the location selected for services is not in use by other utilities or services. 4. The applicant agrees that prior to beginning any work on the road allowance, proper signing and barricades shall be provided for traffic control in conformance with the "Traffic Control Manual for Roadway Work Operations" - latest edition. The applicant(s), agree and bind ourselves to indemnify and save harmless the County of Middlesex from any and all claims arising as result of the work for which this Permit is issued.

Special Conditions:

Fee Paid: \$ _____

Refundable Deposit: \$ _____

EXPIRY DATE

This Permit is valid for a period of one year from the date of issue. If the entrance is not completed/installed to the satisfaction of the County by _____, this permit will automatically expire.

DATE
Date of Issue

Per _____
Transportation Manager or
Director, Transportation & Emergency Services

c.c.: District No. _____

THE CORPORATION OF THE COUNTY OF MIDDLESEX

SCHEDULE "A"

TO BY-LAW #

**COUNTY OF MIDDLESEX
ENTRANCE POLICIES**

The Transportation and Emergency Services Department shall consider the following guidelines when reviewing all applications for new entrances or alterations to entrances:

- a) protection of the public through the orderly control of traffic movements onto and from County roads.
- b) maintenance of the traffic carrying capacity of the County road network.
- c) protection of the public investment in County road facilities.
- d) minimizing County expenditures on maintenance of private ENTRANCE WAYS.
- e) providing legal access onto County roads from adjacent private property.
- f) ensure uniform practices in the design and construction of accesses

DEFINITIONS

Field Entrance:	provides access to agricultural fields.
Farm Entrance:	provides access to farm buildings and agricultural lands.
Residential Entrance:	provides access to residential facilities of four units or less.
Commercial/Industrial/ Institutional Entrance:	provides access to a development where goods are manufactured or sold to the public, institutional uses, and includes residential facilities of five or more units.
Temporary Entrance:	provides access to properties for a limited period not to exceed one year for the purpose of construction, repairs or improvement on that property or to facilitate a staged development.
Auxiliary:	provides additional access to a residential facility or farm building.

SCHEDULE "A" - Continued:

LOCATION OF ACCESSES

The County may restrict the placement of an access onto the County road in the interest of public safety. New accesses must be located so as to provide:

- a) no undue interference with the safe movement of public traffic, pedestrians, or other users of the highway.
- b) favourable vision, grade, and alignment conditions for all traffic using the proposed access to the County road.

In general, new entrances **will not be permitted** at the following locations:

- a) along a lane which is identified for the purpose of an exclusive vehicular turning movement.
- b) in close proximity to intersections.
- c) within daylight triangles at intersections.
- d) where the following minimum sight distance requirements are not met.

<u>Speed Limit</u>	<u>Minimum Sight Distance</u>
50 km/hr	135 metres
60 km/hr	165 metres
70 km/hr	180 metres
80 km/hr	200 metres
90 km/hr	210 metres

Note: *Sight distance shall be measured from an eye height of 1.05 metres measured 3.0 metres from outer edge of the traffic lane to passenger car lights designated as 0.60 metres above the roadway surface.*

- e) within 20 metres centre to centre of another same side entrance in Rural areas.
- f) in Urban areas, entrances must be spaced away from adjacent entrances sufficient distance to provide a minimum of 2 metres clear space between the ends of adjacent entrance pipes, or, at locations of curb and gutter, to provide a minimum length of 1 metre of raised curb between adjacent entrances.

Design Standards

Entrance Grade: The finished surface of the access must drop away from the edge of the highway driving surface at a slope of not less than 2% to at least the edge of shoulder rounding.

Field Entrance: Shall be surfaced with at least 150 mm (6") crushed gravel (Granular "A"), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to a minimum entrance width of 6.0 metres.

Farm or Residential: Shall be surfaced with at least 150 mm (6") crushed entrance gravel (Granular "A"), and where a culvert is required its length must be sufficient to provide a 1:1 slope up from the ditch invert to an entrance width of 6.0 metres.

SCHEDULE "A" - Continued:

Commercial/Industrial: Shall be surfaced with hot-mix asphalt and where a Institutional Entrance: Where a culvert is required, its length will be dictated by the entrance design which will be site specific having regard for number and type of vehicles expected to utilize the entrance.

Curb and /or Headwalls: No curb or head wall can extend above the surface of the roadway shoulder within a distance of 4 metres from the edge of the travelled roadway. All curbs and head walls are constructed at the sole expense and risk of the applicant.

Maintenance of: Property owners having access to a County road are fully Entrances responsible for the maintenance of the access including the removal of snow and ice and keeping the portion of the access within the highway in a safe condition for vehicular traffic.

A culvert pipe installed under the terms of the access permit shall become the property of the County upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc., shall be the responsibility of the County, except where the culvert crosses a municipal drain in which case the maintenance will be the responsibility of the Township with costs shared in accordance with the By-law.

Curb and Gutter: Where curb and gutter exists at the location of the proposed entrance, the applicant will be required to construct a curb cut at the entrance location if required. The existing curb shall be removed and replaced using material acceptable to the Director of Transportation and Emergency Services or altered in accordance with the Director of Transportation and Emergency Services's requirements. The area between the curb and sidewalk is to be paved with hot-mix asphalt, concrete or paving stones, in accordance with the Director of Transportation and Emergency Services's requirements. If there is no sidewalk, the entrance is to be paved a distance of 2 metres behind the curb.

Number of Width of Accesses:

It will be the policy of the Transportation and Emergency Services Department to:

- a) Limit the width of accesses to discourage the construction of entrances wider than that required for the safe and reasonable use of the entrance.
- b) Limit the number of accesses to a property to the number required for the safe and reasonable access to the County road and in general conformity with the following guidelines:

SCHEDULE "A" - continued:

ROAD CLASSIFICATION: - "COLLECTOR"

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 1 - Residential/ Farm	An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property.)	An entrance will be granted to each residence, farm or vacant lot. (Maximum one residential entrance per property)
Type 2 - Commercial Industrial Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards.	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards.
Type 3 - Public Roads	Minimum spacing from another adjacent intersecting road shall be 125 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible.	Minimum spacing from another adjacent intersecting road shall be 200 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible.
Type 4 - Auxiliary/ Field	A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 15 metres from the present Type 1 entrance.	A second entrance will be granted to residential lots/farms where the second entrance can be spaced a minimum of 30 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 100 metres from any same side entrance.

ROAD CLASSIFICATION: 2-LANE ARTERIAL

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 1 - Residential Farm	An entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property).	An entrance will be granted to each residence, farm or vacant lot. (Maximum one residential entrance per property)
Type 2 - Commercial, Industrial, Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and MTO Commercial Site Access Standards. Turn lanes may be required.	A single entrance will be granted to each lot. A second entrance will be granted where the frontage exceeds 80 metres. Entrances must conform to County Standards and MTO Commercial Site Access Standards. Turn lanes may be required.

ROAD CLASSIFICATION - 2-LANE ARTERIAL, Continued...

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 3 - Public Roads	Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turn lanes may be required.	Minimum spacing from another adjacent intersecting road shall be 250 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turn lanes may be required.
Type 4 - Auxiliary/ Field	A second entrance will be granted to residential lots where the second entrance can be spaced a minimum distance of 30 metres from the present Type 1 entrance.	A second entrance will be granted to a residential lot where the second entrance can be spaced a minimum of 75 metres from the present Type 1 entrance. Field entrances will be permitted with a minimum spacing of 150 metres from any same side entrance. A field entrance location 30 metres from a present Type 1 entrance will be granted where it will reduce farm vehicle use of the highway.

ROAD CLASSIFICATION - 4-LANE ARTERIAL

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 1 - Residential/ Farm	A single entrance will be granted to each residence or vacant lot. (Maximum one residential entrance per property)	A single entrance will be granted. A second entrance will be considered where the frontage exceeds 200 metres. Turn lanes may be required.
Type 2 - Commercial, Industrial, Institutional	A maximum of 2 entrances will be granted to each property. Entrances must conform to County Standards and M.T.O. Commercial Site Access Standards. Turn lanes may be required.	Minimum spacing from another adjacent intersecting road shall be 350 metres centre to centre. Intersecting roads shall be opposite and lined up with existing intersecting roads where possible. Turn lanes may be required.
Type 3 - Public Roads	<p>Minimum spacing from another adjacent intersecting road shall be 150 metres centre to centre. Intersecting roads shall be opposite and lined up with intersecting roads where possible. Turn lanes may be required.</p> <p>A single entrance will be granted to each residence farm or vacant lot where an alternative of access to a local road or lower classification County/Suburban Road is not available. (Maximum one residential entrance per property)</p>	

ROAD CLASSIFICATION - 4-LANE ARTERIAL, Continued...

ENTRANCE TYPE	URBAN LOCATIONS	RURAL LOCATIONS
Type 4 - Auxiliary/Field	Second access points will not be granted to residences or vacant lots.	Second access will not be granted to residential, farm or vacant lots. A second entrance for field access will be considered when it can be spaced 200 metres from any present same side access.

NOTE: The ROAD CLASSIFICATION shall be in accordance with the classification established by the Middlesex County Official Plan as amended.

The definition of urban or rural areas shall be established by the Transportation and Emergency Services Department.

Refundable Deposit

A refundable deposit of a minimum amount of \$300.00 shall be collected prior to the issuance of the permit.

Permit Fee

A fee in the amount set by the Council for the County of Middlesex is to be collected prior to issuance of the permit. The entrance permit shall also be the work permit.

Cancellation of Permit:

Where the entrance has not been constructed and accepted by the County within one year of the date of the permit, then the permit shall be null and void.

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SCHEDULE "B" Page 1
COUNTY HIGHWAY - WORK APPROVAL PERMIT

B.1 Application - Engineer - Conditions

Upon application, a permit may be issued by the County Engineer for work to be carried out upon, over or under a County Highway, subject to the conditions set out in sections B.2 to B.9 inclusive of this Schedule and such other conditions as the County Engineer may impose.

B.2 Fee - Approval - Inspection

The applicant shall pay such fees, disbursements and other expenses as are imposed by The Corporation of the County of Middlesex from time to time. Such fees, disbursements and other costs that may be charged by The Corporation of the County of Middlesex from time to time to the applicant include without limitation labour costs (including the hourly rate and cost of benefits for such labour costs), fees and disbursements paid to third party experts required by The Corporation of the County of Middlesex, equipment, mileage, materials, professional fees and disbursements and any other reasonable costs incurred by The Corporation of the County of Middlesex in connection with the application.

B.3 Work - Drawings

The proposed work shall be fully described in writing, complete with drawings.

B.4 Purpose - Lawful

The purpose of the work shall be lawful.

B.5 Obstruction - County Highway - Abutting Owner's Consent

In the case of work for the sole benefit of privately-owned land, where the work cannot practicably be carried out without obstructing the County Highway, the owner of the abutting land which is to benefit from such work must consent to the proposed work.

B.6 Insurance - Indemnification of County

Proof of insurance in a form and amount satisfactory to the County Treasurer and an agreement to indemnify and save harmless The Corporation of the County of Middlesex from all claims and judgments respecting any aspect of such work shall be provided.

B.7 Deposit - Estimate by Engineer

The applicant shall pay by security and/or deposits to The Corporation of the County of Middlesex an amount calculated by the County Engineer based upon his estimate of the cost which will be incurred to complete the proposed work and to reinstate the County Highway to its original condition prior to the commencement of the proposed work.

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COUNTY HIGHWAY BY-LAW
SCHEDULE "B" Page 2
COUNTY HIGHWAY - WORK APPROVAL PERMIT

B.8 Deposit - Refunded - Additional Costs

Upon satisfactory completion of the work and following such warranty period as may be deemed appropriate by the County Engineer, the amount of security and/or deposit which exceeds all costs incurred by The Corporation of the County of Middlesex will be returned to the applicant, or in the case where the costs exceed the security, and/or deposit, the applicant shall pay the amount invoiced within thirty (30) days of receipt of the invoice. The Applicant acknowledges that the County Engineer may, in his sole and absolute discretion, release a portion of the security and/or deposit held in connection with the work during the warranty period for such work. If the applicant is not prepared to permit The Corporation of the County of Middlesex to retain such reasonable portion of the security and/or deposit during such warranty period, The Corporation of the County of Middlesex may in its sole and absolute discretion retain the full amount of the security and/or deposit until the full warranty period has expired.

B.9 Unpaid Additional costs - Collected as Taxes

Any amount owing to The Corporation of the County of Middlesex after thirty (30) days may be recovered in like manner as municipal taxes from the owner of the abutting land who has consented to the performance of such work or by action.

B.10 Permit - Invalidated - Methods

A permit issued in accordance with this Schedule is invalidated if the work authorized by the permit is conducted in a manner other than as approved by the County Engineer.

B.11 Permit - Invalidated - Time

A permit issued in accordance with this Schedule is invalidated if the work is conducted at a time other than authorized.

B.12 Permit - Invalidated - Unobserved

A permit issued in accordance with this Schedule is invalidated if a condition stated herein, or such other condition as may be imposed by the County Engineer, is not observed in his sole discretion and to his satisfaction, acting reasonably.

B.13 Permit - Invalidated - Dangerous Work

A permit issued in accordance with this Schedule is invalidated if the work for whatever reason constitutes a reasonable danger in the sole discretion and opinion of the County Engineer.

B.14 Flagmen - Police - Warning Devices

The County Engineer may require as a condition to a permit that flagmen, uniformed police officers and traffic warning devices be provided.

B.15 Work site - Supervision

The County Engineer may require as a condition to a permit that the work site be constantly attended and supervised.

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SCHEDULE "B" Page 3
COUNTY HIGHWAY - WORK APPROVAL PERMIT**

B.16 Barricade - Protection of Public

The County Engineer may require as a condition to a permit that barricades, platforms or other structures be erected for the protection of the public.

B.17 Other conditions - Compliance

The County Engineer may require, as a condition to a permit, compliance with any other condition as in his sole discretion and opinion is reasonably necessary for the protection and preservation of public safety and the public's right to travel along the County Highway.