

BY-LAW 2011-220

**A BYLAW OF THE CITY OF GREATER SUDBURY TO
REGULATE THE USE OF PRIVATE ENTRANCES**

WHEREAS the Council of the City of Greater Sudbury deems it desirable to regulate the use of private entrances to municipal highways;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

Terminology

1. In this By-law:

“access impact study” means a study undertaken by a professional engineer that assesses, to the satisfaction of the General Manager, the effect that a proposed access or accesses will have on the transportation network and on public safety. Elements of the study will include, but need not be limited to, an analysis of generated traffic volumes, the additional number of pedestrian and vehicular movements, queue lengths and times, variations on the above based on the size of the access and the impact of road characteristics;

“boulevard” means that part of the highway situate between the roadway and the property lines of the lots abutting the highway and includes a shoulder but does not include a sidewalk, if any;

“By-law Enforcement Officer” means a member of any police service with jurisdiction in the City, or any person appointed by Council for the enforcement of municipal by-laws, including this By-law;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area, as the context requires;

“culvert” means a sub-surface pipe with a circular, elliptical or rectangular cross-section of corrugated steel, or any other such material approved by the General Manager, which acts as a conduit for storm water within a highway;

“General Manager” means the General Manager of Infrastructure Services and includes his or her authorized representative;

“grade” means the percentage rate of the rise or fall of the private entrance with respect to the horizontal;

“headwall” means a vertical wall at the end of a culvert used to prevent earth from spilling into the ditch;

“Hearing Committee” means the Hearing Committee appointed by Council of the City from time to time to hear matters referred to the Hearing Committee by By-law;

"highway" includes a common and public highway and includes any bridge, trestle, viaduct or other structure, forming part of the highway and except as otherwise provided, includes a portion of the highway and the area between the lateral property line thereof;

"owner" includes the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on his, her or its own account or as agent or trustee of any other person or who would so receive the rent if such were let, and shall also include a lessee or occupant of the land. Where the person holding registered title to land is a condominium corporation, the owner is the corporation and not its members;

"parking space" means that part of private or public property legally designated for the purpose of vehicle parking;

"person" includes any individual, firm, partnership, association, corporation, company or organization of any kind;

"private entrance" means an improved surface within a highway used or intended for use for vehicular access to and from private property adjacent to the highway;

"property" means land and any buildings thereon located in the City which is separately assessed, and which is transferable separately from any surrounding lands pursuant to the *Planning Act*,

"private property" means a property, the owner of which is not the City or the Crown;

"property line" means the common boundary line between adjacent properties but does not include the common boundary line between private property and the highway;

"Road Occupancy By-law" means the City's By-law to Regulate Road Occupancy, Including Road Cuts, Temporary Closure and Sidewalk Cafes, 2011-220, as amended or replaced;

"roadway" means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separated roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"shoulder" means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel, for the use of vehicles;

"sidewalk" means a part or strip of land, paved or otherwise, in, on, or alongside a highway and designed and intended for, or used by, the general public for pedestrian travel, and includes any structure above or below ground designed or intended for the use of pedestrians even if said structure is not wholly or partially above or below ground;

"temporary private entrance" means a private entrance granted by the General Manager for a temporary period during construction, repair or improvement on private property or for any other purpose approved by the General Manager; and

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

Interpretation

2.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Administration

4.-(1) The administration of this By-law is assigned to the General Manager who is also delegated the authority to make all decisions required of the General Manager under this By-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this By-law, including the authority to:

- (a) receive and process all applications for all permits and extensions of permits under this By-law;
- (b) issue permits in accordance with the provisions of the By-law;
- (c) impose terms and conditions on permits in accordance with this By-law; and
- (d) refuse to issue or to extend a permit.

(2) The General Manager may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

Private Entrance Permit Required

5.-(1) No owner shall construct, relocate, alter or close a private entrance, or authorize or cause a private entrance to be constructed, relocated, altered or closed without first obtaining:

- (a) a private entrance permit from the General Manager in accordance with the provisions of this By-law; and
- (b) where applicable a road occupancy permit in accordance with the provisions of the City's Road Occupancy By-law.

(2) No owner shall construct, install, relocate, excavate, remove or reset a culvert under a private entrance or authorize or cause a culvert to be constructed, installed, relocated, excavated, removed or reset under a private entrance without first obtaining:

- (a) a private entrance permit from the General Manager authorizing such work in accordance with the provisions of this By-law; and
- (b) where applicable, a road occupancy permit in accordance with the provisions of the City's Road Occupancy By-law.

(3) Where there is a private entrance, the owner of the private property benefitting from the private entrance shall be deemed to have constructed, relocated, altered or closed installed the private entrance and where a culvert is installed under a private entrance, the owner of that private property shall be deemed to have constructed, installed, relocated, excavated, removed or reset the culvert.

Exceptions

6-(1) Despite Subsection 5-(1), a private entrance permit is not required for a private entrance approved through the City's Site Plan approval process.

(2) Despite Subsection 5(2), a private entrance permit is not required where a culvert is constructed, installed, relocated, excavated, removed or reset as a result of highway construction or reconstruction, drainage improvements or sewer and water work where such work is completed by or on behalf of the City.

(3) Despite anything herein, no private entrance permit is required for an entrance to a property owned by the City.

Application for Permit

7.-(1) Every applicant for a permit under this By-law shall:

- (a) file with the General Manager an application in the form established by the General Manager from time to time, which includes the following:
 - (i) particulars of the owner, municipal address, legal description and zoning of the private property to which the application applies;
 - (ii) a telephone number or other acceptable emergency contact information;
 - (iii) particulars of the work for which authorization is sought, including the size, type of construction, design and grade of any proposed private entrance including particulars of any required culvert;
 - (iv) particulars of the location of any existing private entrance and the proposed location of the new or replacement private entrance;
 - (v) particulars of any culvert to be installed, replaced or reset;
 - (vi) particulars of whether the applicant proposes to have the City install, replace or reset any culvert at the applicant's expense, or will make other arrangements for the work to be done;
 - (vii) the number of the building permit application where the application is made in conjunction with an application for a building permit;
 - (viii) such other particulars as the General Manager may require to investigate and process the application; and
 - (ix) the signature of the applicant, and where the applicant is a corporation, the signature of a person who has authority to bind the applicant, certifying the accuracy of the information provided.
- (b) file with the General Manager as part of the application a sketch drawn to scale showing, as applicable:

- (i) the dimensions of the private property for which the application is being made and of any adjoining property;
 - (ii) the location and dimensions of any existing private entrance and any existing culvert under the private entrance;
 - (iii) the location and dimensions of any proposed private entrance and any proposed culvert under a private entrance;
 - (iv) the location of any tree, shrub, utility pole or access box, hydrant, or other structure or topographical feature likely to affect the private entrance;
 - (v) the location of any 0.3 reserve or any easement adjacent to the proposed private entrance;
 - (vi) the location of the nearest cross street to the private property which is the subject of the application and distance from property lines;
 - (vii) the location of the private entrance to each abutting property and the distance from the proposed entrance way;
 - (viii) the grade profile, elevation from the centre of the road to the building on the private property and the distance from the centre of the road to the building on the property unless the General Manager determines such to be unnecessary; and
 - (ix) such other information as the General Manager may require to assess the application;
- (c) pay a non-refundable application fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect;
- (d) where the applicant has requested that the City install, replace or reset a culvert, pay the applicable fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect; and

(e) where necessary, file an application for a road occupancy permit under the City's Road Occupancy By-law.

(2) Where the application is for a private entrance to a private property with 50 or more parking spaces or carries traffic which, in the opinion of the General Manager might impact adversely the quality of traffic service on the adjacent highway, the owner shall provide an access impact study in addition to the information and materials provided in Subsection 7(1).

(3) Every applicant for a permit shall submit a fully complete application at least 20 working days before the applicant proposes to start the work or activity to be authorized by the Permit. The application is complete once all required information, documentation and fees have been submitted.

Refuse to Issue Permit

8.-(1) The General Manager shall refuse to issue a permit under this By-law:

- (a) if the application is incomplete; or
- (b) the application is non-compliant with the guidelines set out in Schedule A.

(2) The General Manager shall advise the applicant in writing of his or her decision to not issue a permit under this By-law and the reason for the refusal. Notice of the decision may be delivered to the applicant, or mailed to the address for the applicant in the application. Service shall be deemed effective immediately, if delivered to the applicant or on the 5th day after mailing, if the notice of decision is mailed to the applicant.

(3) In the event that the applicant is not satisfied with the General Manager's decision the applicant shall be entitled to appeal the decision to the Hearing Committee within 10 days of the effective date of the service of the General Manager's decision, failing which the decision of the General Manager is final.

(4) Despite Paragraph 8(1)(b), the General Manager may, in his or her discretion issue a Permit under this By-law where the General Manager is satisfied that in the circumstances, compliance is not possible and issuance of the Permit will not:

- (a) result in undue interference with the safe movement of public traffic, pedestrians or other users of the abutting highway; or
- (b) create hazardous conditions due to inadequate sight distance, horizontal or vertical alignments or other considerations.

Issuance of Permit / Permit Conditions

9.-(1) Where the applicant has complied with the requirements of Section 7 and the issuance of the permit is not otherwise prohibited under this By-law, the General Manager is authorized to issue a permit specifying particulars of:

- (a) the authorized work, including requirements as to design, construction, size or dimension;
- (b) the location of the authorized work;
- (c) dates and times for the conduct of the activities permitted under the Permit;
- (d) in the case of a private entrance, the permitted grade;
- (e) in the case of a culvert, whether the work will be done by the City or a contractor chosen by the permit holder; and
- (f) such conditions or provisions as the General Manager determines to be appropriate in the circumstances.

(2) In issuing a permit, the General Manager may specify a location and design for a private entrance that differs from that proposed in the application.

(3) Whether or not specified by the General Manager in the permit, every permit, including an extension permit, is issued subject to the following conditions:

- (a) the permit holder shall remove at his cost:

- (i) any private entrance, culvert, curb, sidewalk or ancillary installation along the frontage of the property, which becomes redundant as a result of the issuance of the permit; and
 - (ii) any private entrance which contravenes this By-law by reason of the construction, relocation or alteration of the private entrance authorized by the permit;
- (b) a permit holder who closes a private entrance shall reinstate, at his expense, the sidewalk, shoulder, curb and boulevard to City standards;
- (c) the design and construction of the private entrance and the removal and reset of any culvert shall be consistent with City standards then in effect, as established by the General Manager from time to time;
- (d) the owner of property to which there is a private entrance is responsible for the maintenance and upkeep of the private entrance, including any curbs;
- (e) the owner of property where there is a culvert installed below a private entrance is responsible for the maintenance and upkeep of the culvert including any headwalls;
- (f) the permit holder is responsible at the permit holder's own cost, to effect the surface restoration of the private entrance and for replacement of the headwall where a culvert has been installed, replaced or reset, even if the installed, replacement or reset was done by the City;
- (g) the permit holder is responsible to remove at his expense, all vegetation, earth, rock or other obstacles necessary to establish and maintain an adequate minimum stopping sight distance, determined in accordance with Schedule A; and

(h) the private entrance shall be constructed in accordance with the City's Standard Drawings (GSSD – 303.020 & 350.010 as amended or replaced from time to time and the approved drawings.

(4) Where the application is for a private entrance to a private property with 50 or more parking spaces or carries traffic which, in the opinion of the General Manager might impact adversely the quality of traffic service on the adjacent highway, the permit holder shall in addition to the conditions in Subsection 9(3):

- (a) pay for additional road works required to maintain the quality of traffic service on the adjacent highway, including channelization, deceleration and acceleration lanes, turning lanes and traffic control installations, which shall be constructed to the satisfaction of the General Manager; and
- (b) convey at no cost to the City, good title, free of encumbrance, any land required for the purposes set out in paragraph 9(4)(a)

(5) The General Manager issues a Permit by dating as of the date of issuance and signing the Permit.

(6) No permit holder shall fail to comply with the conditions in the permit or deemed to be included in the Permit.

(7) The General Manager may revoke a permit for failure to comply with any provision or condition of a permit of this By-law, in addition to any other enforcement proceedings against the permit holder.

(8) Upon revocation of a permit, the permit holder of the revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which the permit was issued.

Temporary Private Entrance

10.-(1) Despite any other provision of this By-law, the General Manager may issue a permit for a temporary private entrance and may impose in the permit for the temporary private entrance, such conditions and restrictions for the safe and efficient movement of pedestrians and vehicles as the General Manager determines to be appropriate, including the removal and reinstatement of traffic control devices including, but not limited to, traffic signs and traffic signals.

(2). When a temporary private entrance requires the erection, removal or relocation of any traffic control device including, but not limited to, traffic signals and traffic signs, the permit holder shall be responsible for the cost of all work involved to the General Manager's satisfaction.

Expiry of Permit/ Extension of Permit

11.-(1) A permit issued under this By-law shall expire after 12 months, if the work authorized under the permit has not been completed.

(2) A permit holder may apply for a new permit where a permit has expired without the work being completed.

(3) A permit holder may apply in writing to the General Manager for an extension of the permit where further time is required to complete the proposed work, provided such application is made prior to the expiry of the permit.

(4) Where a fully complete application is submitted under Subsection 11(1), the General Manager is authorized to issue one extension permit for a period not in excess of 6 months, either on the same terms as the original permit, or on such additional terms and conditions as the General Manager determines to be appropriate. Any extension permit shall be subject to the conditions in Section 9.

Duties – Permit Holder

12.-(1) No permit holder shall fail to keep or fail to cause a copy of the permit to be kept at the site of the work authorized in the permit.

(2) No permit holder shall fail to produce the permit or fail to cause the permit to be produced when asked to do so by a By-law Enforcement Officer.

(3) No permit holder shall fail to comply with or fail to cause any person doing work pursuant to the permit to comply with the provisions of the permit and the provisions of this By-law.

Duties - General

13-(1) No owner of private property to which there is a private entrance shall fail to maintain and keep in good condition, the private entrance, including any curbs and headwalls.

(2) No owner of private property shall fail to maintain and keep in good condition:

(a) any culvert under a private entrance to the private property; or

(b) the headwalls of the culvert in the private entrance to the private property.

(3) No owner of private property shall fail to replace or reset or cause to be replaced or reset, a culvert under a private entrance as and when necessary to ensure proper flow of water through the culvert.

(4) No owner of private property shall construct or cause to be constructed, any curbing, headwalls, decorative stonework or landscaping on a private entrance the height of which extends above the level of the shoulder of the private entrance.

(5) No owner of private property shall fail to remove any curbing, headwalls, decorative stonework or landscaping on a private entrance the height of which extends above the level of the shoulder of the private entrance.

City Work

14.-(1)Where the City undertakes any construction or reconstruction work on a highway or undertakes drainage improvements or sewer and water work that affects a private entrance that conforms with this By-law the City shall at its own expense:

- (a) undertake any reconstruction of the private entrance made necessary by the construction or reconstruction of the highway; and
- (b) where applicable, install a replacement entrance culvert to maintain the entrance and provide for side sloping. The City shall not be required to replace culvert head walls.

(2) The replacement private entranceway shall be compliant with this By-law, unless the General Manager, in his discretion, authorizes a private entrance way which does not conform to this By-law, in a location and with a design approved by the General Manager.

Enforcement - No Obstruction Etc.

15.-(1)This By-law may be enforced by any By-law Enforcement Officer.

(2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

Right of Entry - Inspection

16. A By-law Enforcement Officer may enter on private property at all reasonable times to ascertain whether the provisions of this By-law are complied with, a direction or order or notice given under this By-law, or a term of a permit issued under this By-law are complied with.

Order to Discontinue

17. Where the General Manager is satisfied that a contravention of this By-law has occurred, the General Manager may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner of

occupier of the land on which the contravention occurred to discontinue the contravening activity. The Order shall set out reasonable particulars of the contravention, the location of the land on which the contravention is occurring and the date by which there must be compliance.

Order to Comply

18.(1) Where the General Manager is satisfied that a contravention of this By-law has occurred, an Order may be made requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) the work to be done to comply with this By-law;
- (d) the date by which the work must be done; and
- (e) provide that if the work is not completed by the date specified to the satisfaction of the General Manager, that the General Manager may cause the work to be done at the expense of the owner.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 18(1) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this By-law making them a contravention came into force.

Service of Orders

19. Service of an Order under Section 17 or Subsection 18(1) shall be given to the owner, by delivering personally to the owner or by mailing to the owner by registered mail at the address recorded for the owner in the assessment roll for the property.

Comply with Order

20. Every person who is served with an Order under this By-law shall comply with the requirements of the Order within the time period specified in the Order.

Remediation by City

21 Where the owner fails to comply with the requirements of the Order under Subsection 18(1) within the time period specified in the Order, the General Manager may cause such work to be done or take such steps as are necessary to meet the requirements of the Order, and the cost thereof including interest thereon at the rate of 15%, from the date the costs were incurred until payment in full, may be recovered from the owner by action or by adding same to the property tax rolls for the property owned by the owner and collecting them in the same manner as property taxes.

Offences and Penalties

22-(1) Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of Subsection 22 (1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of paying any costs or charges for which such person is liable under this By-law.

(4) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to

recover charges, costs and expenses incurred by the City and which may be recovered in a Court of competent jurisdiction.

(5) The making of a false or intentionally misleading recital of fact, statement or representation in any application provided required by this By-law shall be deemed to be a violation of the provisions of this By-law.

Prohibition Order

23. When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

Confidential Information

24.- (1) All information submitted to and collected by the City, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(2) In the event that any person in submitting information to the City or to the General Manager in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the City or the General Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

PART 7 - GENERAL

Short Title

25. This Bylaw may be referred to as the "Private Entrance By-law".

**SCHEDULE A
TO BY-LAW 2011-220**

GUIDELINES FOR APPROVAL OF PRIVATE ENTRANCE

The following guidelines apply to private entrances:

1. The proposed location of the entrance should meet the minimum stopping sight distance as established from time to time by the Transportation Association of Canada, (TAC) for the design speed on the highway abutting the property for which the entrance permit is sought. Sight distance are to be measured in accordance with the TAC Manual guidelines then in effect.

Sample Design Speeds and Stopping Sight Distances
are set out below for road grades of less than 3%

Design Speed in kilometres per hour	Stopping Sight Distance in metres, rounded to the nearest metre
40	45
50	65
60	85
70	110
80	140
90	170
100	210

NOTE 1: in circumstances where the grade of the highway abutting the land to which the application applies is equal to or exceeds 3%, the minimum stopping sights distance should be adjusted in accordance with the TAC Manual

NOTE 2 the Applicant is responsible to remove from time to time, any vegetation, earth, rock or other obstacle necessary to maintain the minimum stopping sight distance on wet pavement in accordance with the TAC manual

2. The private entrance should not result in a contravention of the City's Official Plan or Zoning By-law then in effect for the land to which the application for the Driveway Permit applies. The following notations are included for assistance in issuing permits only and are not intended to be an all-inclusive listing of prohibitions:

- (a) the entrance should not be located within the sight triangle as defined in the City's Zoning By-law;
- (b) the entrance to a property in a residential zone should not result in more than 50% of the front yard being used for parking;
- (c) the entrance should not result in front yard parking contrary to the zoning for the property;
- (d) the entrance to a property in a residential zone which has less than 30 metres frontage, should not result in the property having more than one entrance;

NOTE: the Official Plan requires that entrances onto arterial roads be strictly regulated and kept to a minimum. Whenever property has frontage along more than one roadway, access will generally be limited to the lowest volume road

3. The sketch forming part of the application for the entrance permit should disclose that the entrance will be constructed in accordance with the City's Standard Drawings (GSSD – 303.020 & 350.010) as amended or replaced from time to time; and

4.(1) Subject to Subsection 4(2), the private entrance to a property in a residential zone should not be less than 3 metres in width and not more than 6.3 metres in width, measured at the street line.

(2) Despite Subsection 4(1) the private entrance to a property with a single detached dwelling with a shared entrance way may be in excess of 6.3 metres in width, provided the entrance does not exceed 10 metres in width.

5. The private entrance to a property zoned for commercial, industrial, agricultural uses should not exceed 9.1 metres in width;

6. The private entrance to a property should not have a grade in excess of 10% at any point.

7. The centerline of a private entrance should intersect the centerline of the roadway as nearly as practicable at a right angle, but in no case should the acute angle between the centerline of the private entrance and the centerline of the roadway be less than 70 degrees.

8. No private entrance permit should be issued where the General Manager, in his sole discretion determines that the private entrance as set out in the application would be likely to:

- (i) result in undue interference with the safe movement of public traffic, pedestrians or other users of the abutting highway; or
- (ii) create hazardous conditions due to inadequate sight distance, horizontal or vertical alignments or other considerations.

9. One additional entrance should be permitted to access a farm or field on a parcel of land zoned for agricultural use only where evidence is provided that the said property is being used for agricultural purposes.

10. A non-conforming entrance should not be approved unless in the circumstances a conforming entrance is not possible.

Schedules

26. The following schedule is incorporated into and forms a part of this By-law:

Schedule A – Guidelines for Approving Private Entrances

Repeals

27. By-law 2003-88A of the City of Greater Sudbury and all amendments thereto are hereby repealed.

Transition

28. Every driveway permit and every culvert permit issued prior to the passage of this By-law shall continue in force and be deemed to be issued under this By-law.

Conflicts

29. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail

Enactment

30. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ AND PASSED IN OPEN COUNCIL this 12th day of October, 2011

 Mayor

 Clerk

By-law 2014-234

A By-law of the City of Greater Sudbury to Amend By-law 2011-220 Regulating the Use of Private Entrances

Whereas the Council of the City of Greater Sudbury wishes to amend By-law 2011-220 being a By-law Regulating the Use of Private Entrances;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. By-law 2011-220 being a By-law Regulating the Use of Private Entrances is hereby amended by repealing Section 7 and enacting in its place and stead the following Section 7 :

“Application for Permit

7.-(1) Every applicant for a permit under this By-law shall:

- (a) file with the General Manager an application in the form established by the General Manager from time to time, which includes the following:
 - (i) particulars of the owner, municipal address, legal description and zoning of the private property to which the application applies;
 - (ii) a telephone number or other acceptable emergency contact information;
 - (iii) particulars of the work for which authorization is sought, including the size, type of construction, design and grade of any proposed private entrance including particulars of any required culvert;
 - (iv) particulars of the location of any existing private entrance and the proposed location of the new or replacement private entrance;

- (v) particulars of any culvert to be installed, replaced or reset;
 - (vi) in the case of a application for a property with a single family dwelling or a semi-detached dwelling, whether the applicant proposes to have the City install, replace or reset any culvert at the applicant's expense, or will make other arrangements for the work to be done;
 - (vii) the number of the building permit application where the application is made in conjunction with an application for a building permit;
 - (viii) such other particulars as the General Manager may require to investigate and process the application; and
 - (ix) the signature of the applicant, and where the applicant is a corporation, the signature of a person who has authority to bind the applicant, certifying the accuracy of the information provided.
- (b) file with the General Manager as part of the application a sketch drawn to scale showing, as applicable:
- (i) the dimensions of the private property for which the application is being made and of any adjoining property;
 - (ii) the location and dimensions of any existing private entrance and any existing culvert under the private entrance;
 - (iii) the location and dimensions of any proposed private entrance and any proposed culvert under a private entrance;
 - (iv) the location of any tree, shrub, utility pole or access box, hydrant, or other structure or topographical feature likely to affect the private entrance;
 - (v) the location of any 0.3 reserve or any easement adjacent to the proposed private entrance;

- (vi) the location of the nearest cross street to the private property which is the subject of the application and distance from property lines;
 - (vii) the location of the private entrance to each abutting property and the distance from the proposed entrance way;
 - (viii) the grade profile, elevation from the centre of the road to the building on the private property and the distance from the centre of the road to the building on the property unless the General Manager determines such to be unnecessary; and
 - (ix) such other information as the General Manager may require to assess the application;
- (c) pay a non-refundable application fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect;
 - (d) where in the case of a property with a single family dwelling or semi-detached dwelling, the applicant has requested that the City install, replace or reset a culvert, pay the applicable fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect. The City shall not install, replace or reset a culvert in the case of a commercial, industrial or institutional property; and
 - (e) where necessary, file an application for a road occupancy permit under the City's Road Occupancy By-law.
- (2) Where the application is for a private entrance to a private property with 50 or more parking spaces or carries traffic which, in the opinion of the General Manager might impact adversely the quality of traffic service on the adjacent highway, the owner shall provide an access impact study in addition to the information and materials provided in Subsection 7(1).
 - (3) Every applicant for a permit shall submit a fully complete application at least 20 working days before the applicant proposes to start the work or activity to be authorized by the Permit. The application is complete once all required information, documentation and fees have been submitted."

2. This By-law shall come into force and take effect immediately upon the final passing thereof.

Read and Passed in Open Council this 7th day of October, 2014

_____“original signed”_____ Mayor

_____“original signed”_____ Deputy
Clerk

By-law 2016-166

**A By-law of the City of Greater Sudbury to Amend By-law 2011-220
being a By-law of the City of Greater Sudbury to Regulate
the Use of Private Entrances**

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances in order to provide for certain additional fees;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Replace subsection 8(3)

1. By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances, as amended, is hereby further amended by repealing subsection 8(3) and enacting the following subsections 8(3) to 8(6) inclusive, in its place and stead:

“8(3) In the event that the applicant is not satisfied with the General Manager’s decision the applicant shall be entitled to appeal the decision to the Hearing Committee within ten (10) days of the effective date of the service of the General Manager’s decision, by filing a request in writing with the General Manager and paying an administrative fee determined in accordance with the City’s Miscellaneous User Fee By-law then in effect, failing which the decision of the General Manager is final.

(4) Upon timely receipt of the written request of the applicant, and payment of the applicable fee, the General Manager shall request the City Clerk to schedule a meeting of the Hearing Committee. Notice shall be given to the applicant of the day, time and place of the hearing.

(5) On the day and time set by the City Clerk or such other day and time as may be established from time to time by the City Clerk or by the Hearing Committee, the person appealing may present evidence and make submissions to the Hearing Committee regarding the matter under appeal.

(6) At any such hearing the Hearing Committee may proceed to consider the matter, whether or not the person appealing is in attendance, and may make any decision the General Manager may have made in accordance with this By-law. The decision of the Hearing Committee shall be final and binding and takes effect upon being rendered.”

Enact Section 21.1

2. By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances, as amended, is hereby further amended by enacting the following section 21.1 immediately after section 21 and before section 22:

“Attendance Fee

21.1(1) An enforcement attendance fee in an amount determined in accordance with the City’s Miscellaneous User Fee By-law then in effect shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a By-law Enforcement Officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
- (b) in the event that a By-law Enforcement Officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.

(2) Any fee under subsection 21.1(1) shall be payable:

- (a) in accordance with the provisions of the City’s Miscellaneous User Fee By-law then in effect; and
- (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.”

Transition

3. Where a part of a by-law is repealed by this By-law, the repeal does not:

- (a) affect the previous operation of the part of the by-law so repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the part of the by-law so repealed; or
- (c) affect any offence committed against any part of the by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Effective

4. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 9th day of August, 2016



Mayor



Deputy
Clerk

By-law 2021-121

A By-law of the City of Greater Sudbury to Amend By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances

Whereas Council of the City of Greater Sudbury wishes to amend By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances, as amended;

Now therefore Council of the City of Greater Sudbury hereby enacts as follows:

1. By-law 2011-220 being a By-law of the City of Greater Sudbury to Regulate the Use of Private Entrances, as amended, is hereby further amended by repealing Section 21.1 and enacting the following Section 21.1 in its place and stead:

“21.1(1) Enforcement fees shall be payable in accordance with the provisions of the User Fees By-law then in effect.

(2) Any fee payable pursuant to subsection 20.1(1) shall be in addition to:

- (a) any fine levied upon conviction of an offence under this By-law; and
- (b) any costs incurred for remediation.

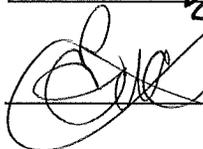
(3) No fee payable pursuant to subsection 21.1(1) shall be waived or cease to be payable in the event that no charge is laid or a charge that is laid does not lead to a conviction”

2. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 29th day of June, 2021



Mayor



Clerk