

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 035-2016

A BY-LAW TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING OR ALTERING OF ENTRANCES, ROAD CUTS , CURB CUTS, AND ROAD OCCUPANCIES LOCATED ON TOWN OWNED ROAD ALLOWANCES OR OTHER PROPERTY UNDER THE JURISDICTION OF THE TOWN AND TO REPEAL BY-LAW NUMBER 75-2004

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, (the “Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11(2) permits a municipality to pass by-laws respecting matters dealing with Highways;

AND WHEREAS pursuant to Section 44(1) of the Municipal Act, 2001, the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

DEFINITIONS

1) In this By-law:

- a) “Adjacent Property” means the property abutting the Highway or the municipal property to which the entrance is intended to provide Entrance;
- b) “Applicant” means any person and all successors including any builders, contractors, servants, employees, consulting engineers and agents acting pursuant to this By-law who applies for and/or has received a Permit under this By-law;
- c) “Curb Cut” means any point at which the curb along a Road is interrupted or depressed to provide Entrance to the property;
- d) “Curb Line” means the edge of the traveled portion of the Road (the line of curb, or the edge of asphalt where no curb exists);
- e) “Director” means the Town’s Director of Engineering Services,

- or his/ her designate;
- f) “Director of Corporate Services” means the Town’s Director of Corporate Services, or his/her designate;
 - g) “Entrance” means any lane, ramp or drive intended to provide vehicular access from the traveled portion of a Town Road to the Adjacent Property;
 - h) “Frontage” means the horizontal distance between the side lot lines of a property adjacent to a Road;
 - i) “Intersection” means the location where two or more Roads converge or the convergence of a Road with a road not under the jurisdiction of the Town;
 - j) “Public Services” means all servicing to be done by the Applicant on all lands and easements owned by the Town, and without limiting the generality of the foregoing, shall include storm drainage facilities, roads, structures, required fencing, boulevard grading, sodding, tree planting, landscaping, walkways, driveways, street lights, erosion control work, street signs, traffic control devices, and all other works required to be done by an Applicant in accordance with this By-law;
 - k) “Restricted Entrance” means any Entrance that is approved and constructed for directionally controlled traffic;
 - l) “Road” means a common and public highway, which is a Town highway, and includes any bridge, trestle, viaduct or other structure forming part of the highway, and includes the whole of the road allowance.
 - m) “Road Cut” means any installation or construction of Public Services carried out within the limits of the Town’s Road or property;
 - n) “Road Occupancy” means the use of the Town’s Road for the storage of any material, containers (bins or otherwise), vehicles, or any other item that may be specified upon application for a permit, for any length of time and for any item not covered under the Town’s Uniform Parking By-Law, as may be amended from time to time, and for which a Road Cut is not proposed;
 - o) “Permit” means a permit issued by the Town in accordance with the requirements of this By-law that allows the Applicant on to a Road to perform and complete an Entrance and/or Curb Cut and/or Road Cut and/or Road Occupancy, as provided in Schedule A and as may be

amended from time to time at the discretion of the Director.

- p) "Town" means The Corporation of the Town of Milton;
- q) "Town Standards" means those standards, requirements and specifications set out in the Town's Engineering and Parks Development Standards Manual and Restoration Standards Manual as may be amended from time to time and all other applicable policies and by-laws of the Town as may be amended from time to time.

GENERAL

- 2) An application under this By-law shall provide the Director with the information required in the appropriate application form attached as Schedule "A" to this By-law, and shall supply any additional material as may be required by the Director. The Applicant shall comply with every regulation and procedure set out in this By-law.
- 3) All information as noted in Schedule "A" shall form part of this By-law.
- 4) A non-refundable administration fee in accordance with the Town's User Fee By-law, as amended from time to time, shall be required as part of any application under this By-law. In addition, a minimum of one (1) non-refundable inspection fee in accordance with the Town's User Fee By-Law, as amended from time to time, shall be required as part of any application under this By-Law. Additional inspection fees may be required, at the discretion of the Director, pending the details of the application.
- 5) Removal of trees and shrubs from the Road or other Town property pursuant to the provisions of this By-law shall be subject to the review and approval of the Town of Milton Engineering Services Department.
- 6) The Town of Milton's Official Plan, as amended from time to time, may dictate that access to certain Roads and or Road classifications is not to be permitted and in such instance, notwithstanding any other provision in this By-law, no Permit shall be issued under this By-law.
- 7) All drains, ditches, culverts and watercourses shall be installed, and maintained in accordance with Town's Standards and the requirements of the following agencies, as applicable: Conservation Halton, the Credit Valley Conservation Authority, the Grand River Conservation Authority, the Niagara Escarpment Commission, the Ministry of Transportation, the Ministry of Natural Resources and the Ministry of the Environment. The Applicant, prior to issuance of a Permit under this By-law must obtain permits or approvals and satisfy all requirements of these agencies, where applicable.

- 8) The Applicant is required to supply to the Director a detailed cost estimate of any proposed Curb Cut, Road Cut and/or Public Services for which application is made under this By-law, for his or her review, and the approval of the estimate must be obtained from the Director, before a Permit can be issued.
- 9) Prior to the issuance of a Permit, the Applicant shall deposit with the Town cash, certified cheque or letter of credit in the amount of 100% of the cost estimate approved under s. 8 above.
- 10) Any letter of credit submitted to the Town as security under this By-law, must be in a form acceptable to the Town's Director of Corporate Services, and must contain the following provisions:
 - a) the letter of credit shall be security for any obligations of the Applicant pursuant to the provisions of the Permit, without any limitations whatsoever;
 - b) the letter of credit shall be an irrevocable letter of credit drawn on a financial institution acceptable to the Director of Corporate Services and shall contain the address of the branch of the financial institution where inquiries can be made and the letter of credit called upon;
 - c) drawings on the letter of credit shall be permitted upon presentation of a letter from the Town to the financial institution claiming default by the Applicant under the terms of the Permit and such default shall not be limited to the actions of the Applicant;
 - d) partial drawings shall be permitted;
 - e) if the Town has not determined the extent of the default or the amount required to rectify the default or compensate the Town or third parties as a result thereof, the Town may draw on the full amount of the letter of credit without any requirement to justify the amount of the draw;
 - f) the letter of credit shall renew automatically;
 - g) the letter of credit shall contain a clause stating that thirty (30) days notification will be given to the Town in writing prior to its expiry or cancellation;
 - h) In the event that the Owner has provided a letter of credit and the Owner or the financial institution who issued the letter of credit notifies the Town that the letter of credit will not be renewed, the Town will

automatically cash said letter of credit and set up a cash account as a performance guarantee.

- 11) The Town will not return securities to the Applicant until the Curb Cut, Road Cut and/or Public Services, which are the subject of the Permit, and all other terms and conditions of the Permit, are completed in conformity with the Town's Standards and to the satisfaction of the Director.
- 12) The Applicant shall be responsible for obtaining location and stakeout information for all utilities and public services prior to the commencement of construction and shall be responsible for all damages to all existing services within the Road or other Town property when such damages arise out of the work undertaken by the Applicant.
- 13) Where an Applicant fails to comply with any of the provisions of this By-law or the terms and conditions of any Permit, the Town may undertake and/or complete the Curb Cut, Road Cut and/or Public Services or other terms and conditions of the Permit, to effect compliance with the By-law and the Permit, and all costs and expenses incurred shall be borne by the Applicant or the same may be recovered in a like manner as municipal taxes against the Adjacent Property or from securities posted by the Applicant.
- 14) Every person who contravenes any provision of this By-law is guilty of an offence, and, upon conviction is liable to a fine subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and every such penalty shall be recoverable under the Provincial Offences Act.
- 15) When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 16) No Permit shall be issued unless the application therefor, complies with Town Standards, and all Curb Cuts, Road Cuts and Public Services shall be completed in conformity with the Town Standards.

ENTRANCES, ROAD CUTS, AND OCCUPANCIES

- 17) No residential property shall have an entrance on more than one property line.
- 18) No person shall construct, install, widen, or alter any Entrance, Road Cut, Road Occupancy or Curb Cut located on a Road or other Town property without a Permit issued by the Director under this By-law.
- 19) Notwithstanding Section 17, no Permit shall be required under this By-law, for the construction of new Entrances, Road Cuts or Curb Cuts within

- unassumed plans of subdivision that are approved in conjunction with a plan of subdivision by the Town.
- 20) No person shall construct, install, widen or alter any Entrance, Curb Cut or Road Cut located on a Road or any other Town property except in accordance with the plans, specifications, documents, Town Standards and any other information used as the basis for the issuance of a Permit and in accordance with any terms or conditions of the issuance of a Permit.
 - 21) A Permit shall expire three (3) months after the date of issuance, if the work which is the subject of the Permit, has not commenced within that time. After the expiration of the three (3) month term, a new Permit including the applicable fees must be obtained before proceeding with such work.
 - 22) An Entrance, if permitted by the granting of a Permit under this By-law, is permitted on a Road or other Town property only to provide Entrance to an Adjacent Property and shall not be constructed, installed, widened or altered to perform any other function, including the parking of vehicles as defined under By-law No. 1984-1, as amended from time to time.
 - 23) The Director may remove, repair or alter any Entrance, Curb Cut or Road Cut on a Road or other Town property for which a Permit has not been issued, or remove, repair or alter such Entrance, Curb Cut or Road Cut which has not been constructed, repaired or altered in accordance with the Permit issued.
 - 24) The Applicant and Adjacent Property owner, upon removal, repair or alteration of any Entrance, Curb Cut or Road Cut on a Road or other Town property pursuant to Section 22 of this By-law, shall be jointly responsible for the costs of such removing, repairing or altering on the Road and other Town property, or any other related work required, as determined by the Director.
 - 25) Every Entrance located on a Road or other Town property shall be maintained in good condition by the Adjacent Property owner at his or her own expense in accordance with Town Standards.
 - 26) All costs associated with the constructing, installing, repairing, widening or altering on a Road or other Town property required as a consequence of the application and any Permit issued, or any work undertaken as a result, as determined by the Director, shall be the joint responsibility of the Applicant and the Adjacent Property owner.
 - 27) The Applicant agrees, as part of the application for a permit, to indemnify and save harmless the Town from all actions, causes of action, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his/her

- agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under the terms of the Permit or this By-law, and will be responsible for damages, injuries or accidents resulting from any of his or her operations, or caused by reason of the construction, repair, maintenance or existence of the Entrance, Road Cut or Curb Cut, or of any materials, plants or equipment used in connection with the construction, repair, maintenance or existence of an Entrance, Road Cut or Curb Cut completed.
- 28) The Town reserves for itself the right to alter, construct or remove any Entrance, Curb Cut or Road Cut located on a Road or other Town property without notice to, or permission from, the Adjacent Property owner or Applicant. This right also extends to allow work by third party utility services, provided such work is approved by the Town.
- 29) In addition to any other requirements of this By-law, no Entrance, Curb Cut, Road Occupancy or Road Cut shall be installed, constructed, altered or removed except in accordance with the following regulations noted below and as outlined in Schedule "A":
- a) all Entrances, culverts, Curb Cuts and Road Cuts shall be in accordance with current municipal standards and specifications;
 - b) all Entrances shall extend sufficiently onto the Adjacent Property to allow parking on the Adjacent Property and not on the Road or other Town property;
 - c) where an Entrance widening on a Road or other Town property is permitted pursuant to this By-law, it is to be constructed from a similar material and be of similar appearance to the original Entrance, except in commercial/industrial/institutional areas and in certain urban residential areas where asphalt or other permanent hard surface may be required;
 - d) no Entrance shall meet the traveled portion of the Highway at an angle of less than seventy (70) degrees;
 - e) where an existing Entrance is being replaced, relocated or abandoned, it shall be removed from the Road at the time of creating the new Entrance, and the Road and other Town property shall be repaired by the Adjacent Property owner, at his or her expense, in accordance with Town Standards and any terms or conditions of the Permit, to the satisfaction of the Director;
 - f) All entrances shall conform to the Town of Milton's Standards, as may be amended from time to time.

- g) the minimum distance at the Curb Line between Entrances on the same property frontage shall be:
 - i) a minimum of 15 meters for urban residential lots;
 - ii) a minimum of 30 meters for rural residential and farm lots;
 - iii) at the discretion of the Director for commercial/industrial/institutional lots;
- h) the minimum distance at the Curb Line between any Entrance and any intersection shall be to Town Standards based on Road classification, traffic volume and speed or as otherwise determined by the Director;
- i) any Entrance to a commercial or industrial property shall conform to the Town's Site Plan Approval process and the Town Standards;
- j) ramping is not permitted in lieu of a Curb Cut;
- k) if the Applicant proposes a reversed (negative sloped) Entrance on private property, the Applicant must demonstrate to the satisfaction of the Director that the Entrance will not be flooded by the overland flow during a 100 year storm event or by flows in the storm sewer system. This Stormwater assessment must be completed by a qualified Civil Engineer utilizing the Town of Milton's Standards all to the satisfaction of the Director;
 - i) all Entrances shall have unobstructed visual sightlines for entry/exit for any part of the Road including sidewalks and/or bike trails;
 - ii) Entrance location and design is subject to the specifications within Town Standards;
 - iii) sight distance criteria, as referenced in the Town of Milton's Engineering and Parks Standards Manual shall restrict the location of any Entrance based on the Road geometries, and may result in refusal or relocation of the Entrance. This sight line assessment will be completed by the Town of Milton, utilizing the Town's Standards and TAC Guidelines, all to the satisfaction and discretion of the Director.

CEASE AND DESIST ORDER

- 30) Where an Owner or any other person is in contravention of this By-law, or

any term or condition of a Permit issued under this By-law, the Director may make an Order directing that the Owner or such person cease the work immediately.

WORK ORDER

- 31) Where a Permit has been issued and an Owner or Applicant is in contravention of this By-law, or any term or condition of a Permit issued under this By-law, the Director or officer may issue a Work Order directing the Owner or Applicant, within twenty-one days of the issuance of the Order, to take such steps as are necessary so that the work which was the subject of the Permit is completed in accordance with the Permit Application, plans, documents and other information upon which the Permit was issued under this By-law and in accordance with the terms and conditions of the Permit.

ORDER FOR REMOVAL

- 32) Where a permit has not been issued and the owner is in contravention of this By-law, the Director or an Officer may issue an Order for Removal requiring the Owner to restore the property to a condition it was prior to commencement of such work, to the satisfaction of the Director, within twenty-one (21) days of the issuance of the Order.

COMPLIANCE WITH ORDERS

- 33) Any person to whom a Cease and Desist Order or a Work Order is issued pursuant to this By-law shall comply with the terms of such Order.
- 34) Where the Owner to whom a Work Order is issued fails to perform the work required by the Order, the Town may perform such work at the Owner's expense and may recover the cost incurred in doing such work in like manner as municipal taxes.

ENFORCEMENT

- 35) The administration and enforcement of this By-law shall be performed by the Director and by those persons designated as Officers under Schedule "B" as attached to the By-law and may be amended from time to time by the Director.
- 36) The Director and Officers shall have all powers necessary to carry out the administration and enforcement of this By-law, and may, at any reasonable time, enter and inspect any land to determine whether this By-law, Cease and Desist Order or a Work Order, a condition to a Permit issued pursuant to this By-law, or a Court Order is being complied with.

SERVICE

- 37) Service required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail to the last known address of the Owner of the land.
- 38) Where service is effected by registered mail, it shall be deemed to be made on the fifth (5) day after the date of mailing.

PENALTY

- 39) Any person who contravenes this By-law or a Cease and Desist Order or a Work Order issued under section 29 or 30 of this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$10,000, and on any subsequent conviction, to a fine of not more than \$25,000.
- 40) Despite section 38 to this By-law, where the person convicted is a corporation, the maximum fine for a first conviction is \$50,000 and for any subsequent conviction is \$100,000.

SEVERABILITY

- 41) When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

EFFECT

- 42) This By-law will take effect on the date it is passed.

SHORT TITLE

- 43) This By-law may be cited as the Town of Milton Road Occupancy, Curb Cut and Entrance Permit By-law.

REPEAL

- 44) By-law No. 75-2004 is hereby repealed.

PASSED IN OPEN COUNCIL ON APRIL 25, 2016.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Troy McHarg

SCHEDULE "A" TO BY-LAW NO. 035-2016



Road Occupancy Permit

Town of Milton
Engineering Services
150 Mary Street
Milton, ON L9T 6Z5
905-878-7252 x2500
Engineering@milton.ca

For Office Use Only:	Permit No.	
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Personal information on this form is collected under the authority of sections 11 of the Municipal Act, 2001, SO 2001, c. 25, and will be used for the purpose of administration.

General Information

M.C. No.		Building Permit No.		Site Plan No.	
Property Address					

Applicant Name					
Address					
Company					
Business No.		Cell No.			
Email					

Type of Work and Purpose	Location
Repair	Road Name _____ Road No. _____ At / Between _____
New	Legal Property Description _____
Occupancy	Plan No. _____
Boulevard Cut Pavement Cut Fiber Sidewalk Cut Augered/Bored Road Crossing	

Special Provisions:

- The Applicant agrees to:**
- 1) Accept full responsibility for the protection of all utilities, private property and persons affected by his/her operations;
 - 2) Provide proof of liability insurance (\$5,000,000 minimum) naming the Town of Milton as additional insured;
 - 3) Indemnify and save harmless the Town of Milton and all assets and personnel it is in law responsible for.
- **Proof of Insurance must be presented at the time of the permit application. Without valid proof of insurance, this application will not be processed and a permit will not be issued.**
 - **This permit does not constitute site plan, M.C. and/or service connection approval.**
 - **Town Permit Inspector must be notified atleast 48 hours prior to commencement of work or this permit is not valid.**
 - **Failure to comply with all conditions will void this permit.**

Duration Required	From: _____ To: _____	Duration Approved	From: _____ To: _____
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Applicant must review all applicable conditions, especially bolded/underlined items, prior to signature.

Applicant's Signature	Date (MM/DD/YY)	Town of Milton Approval	Date (MM/DD/YY)
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I have read, understood, and will comply to the attached General Terms & Conditions which form part of this permit application.

Town Permit Inspector:	
Email:	
Phone:	

Application Fee	\$ _____	Paid
Job Fee	\$ _____	Paid
Security Deposit	\$ _____	Paid
Inspection Fee	\$ _____	Paid

Conditions on next page.

General Conditions

1. All works carried out under this permit must be completed in accordance to the Town of Milton Restoration Standards and to the satisfaction of the Town of Milton.
2. All work within the Municipal Right of Way or other Town property shall be carried out by the Town of Milton or the Town of Milton's contractor, at the sole cost of the applicant, as determined by the Director.
3. The Applicant assumes all responsibility of existing site conditions within the location of the proposed works. Any pre-existing conditions may be field verified/noted by the Town's Permit Inspector at least 48 hours prior to commencement of works.
4. **If road is unassumed, written concurrence is required by the developer.**
5. Prior to commencing work, stakeouts must be obtained from all utilities in the Town of Milton.
6. When working, a copy of this permit and stakeouts must be on site at all times.
7. This permit is not valid until signed by the Town of Milton.
8. **Construction plans/drawings must be submitted at all times with application.**
9. **A copy of the permit or written notification of completion of work must be provided to the Town of Milton for final approval and warranty.**
10. Positive drainage shall be maintained during the course of the work.
11. **No work is to be done during rush hour period (7:00 a.m. to 9:00 a.m., or 4:00 p.m. to 6:00 p.m.) on the travelled portion of the roadway.**
12. All signs and equipment must be off the travelled portion of the roadway before 9:00a.m., or after 4:00 p.m.
13. _____ Lane(s) of traffic must be maintained during working hours as per OTM Book 7.
14. All lanes of traffic must be maintained when not working.
15. All utilities shall be protected and supported, to the satisfaction of the affected utility.
16. The road surface and sidewalks shall be kept clear of obstructions or debris, to avoid hazard or inconvenience to the public.
14. Mud tracking or dust nuisance shall not be allowed. Any accumulation must be cleaned from the road and/or shoulders immediately. Failure to do so could result in the Town causing the cleaning to be carried out at the Applicant's expense and/or charges under the Town's Obstructing Highways By-law (97-2000) as amended.
15. The Applicant shall not cut, trim or interfere with any trees (including roots) in the right-of-way without Town of Milton approval.
16. All changes and/or deviations from the approved plans and/or location shall be subject to re-approval by the Town of Milton.
17. The use of steel plating within the travelled portion of the R.O.W. shall not be permitted unless preapproved by the Town of Milton.
18. The road shall not be closed without the consent in writing of the Director, Engineering Services.
19. Property owners and/or residents shall receive a minimum of 24 hours written notice prior to temporary closing of an entrance, unless an emergency.
20. The applicant agrees and accepts full responsibility to supply, maintain, clean and place all barricades, warning signs, delineators, and flashing lights, necessary for the protection of the public and the safe operation of the installation, at the applicant's own expense, as per the Ontario Traffic Manual (OTM), Book 7, Temporary Conditions latest revision. (Note: This manual depicts minimum standards, additional signing may be required)
21. All disturbed or affected areas to be maintained and guaranteed for **two years** after completion and acceptance of the work by the Town, at the applicant's expense.
22. The applicant accepts the Town's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a) The Director, Engineering Services will give the applicant not less than twenty-four (24) hours notice of any remedial work required, except for emergency work.
 - b) If at the expiration of the time allowed, the applicant or his/her contractor has not commenced remedial work to the Director's satisfaction, the Town of Milton may undertake to have this work done by whatever means it deems necessary.
 - c) The applicant agrees to reimburse the Town of Milton for all costs incurred under 22a) and/or 22b) and/or to supply the Town with a Security Deposit, for a specified amount, where applicable as noted in the Road Cut and Entrance By-Law.
23. Access for emergency vehicles and driveways must be maintained at all times.
24. Vehicles are not permitted to park any closer than 3.0 m from fire hydrants; 6.0 m from crosswalks (marked or unmarked). No Stopping Zones (Full-Time, Part-Time, or rush hour) must be adhered to. Any hoses, cords, or pipes that cross the sidewalk must be ramped. Pedestrian traffic must be controlled on the pedestrian right of way when it is necessary to cross the right of way.
25. If a lane closure is required, the Applicant must submit a traffic control plan with the permit application. The traffic control plan must be in compliance with the OTM Book 7 Temporary Conditions latest revision.
26. By signing this application, the Applicant agrees that they have reviewed By-Law No. 75-2004 and further that the Applicant will comply with all requirements set out in that By-Law.

ALL CONDITIONS ARE SUBJECT TO REVISION AS NECESSARY. REPAIRS SHALL BE EQUAL OR SUPERIOR TO THE ORIGINAL CONDITION.

TOWN OF MILTON | 150 MARY ST. | ENGINEERING SERVICES | L9T 6Z5 | TEL: 905-878-7252 | FAX: 905-878-5029 | EMAIL: ENGINEERING@MILTON.CA



Curb Cut and Entrance Permit

Town of Milton
 Engineering Services
 150 Mary Street
 Milton, ON L9T 6Z5
 905-878-7252 x2500
 Engineering@milton.ca

For Office Use Only:	Permit No.	
	Chargeback No.	

Personal information on this form is collected under the authority of sections 11 of the Municipal Act, 2001, SO 2001, c. 25, and will be used for the purpose of administration.

Site Plan No.		Building Permit No.	
Property Address			

Property Owner (must be completed)

Name			
Address			
City		Postal Code	
Phone Number (Bus.)		Phone Number (Res.)	
Email			

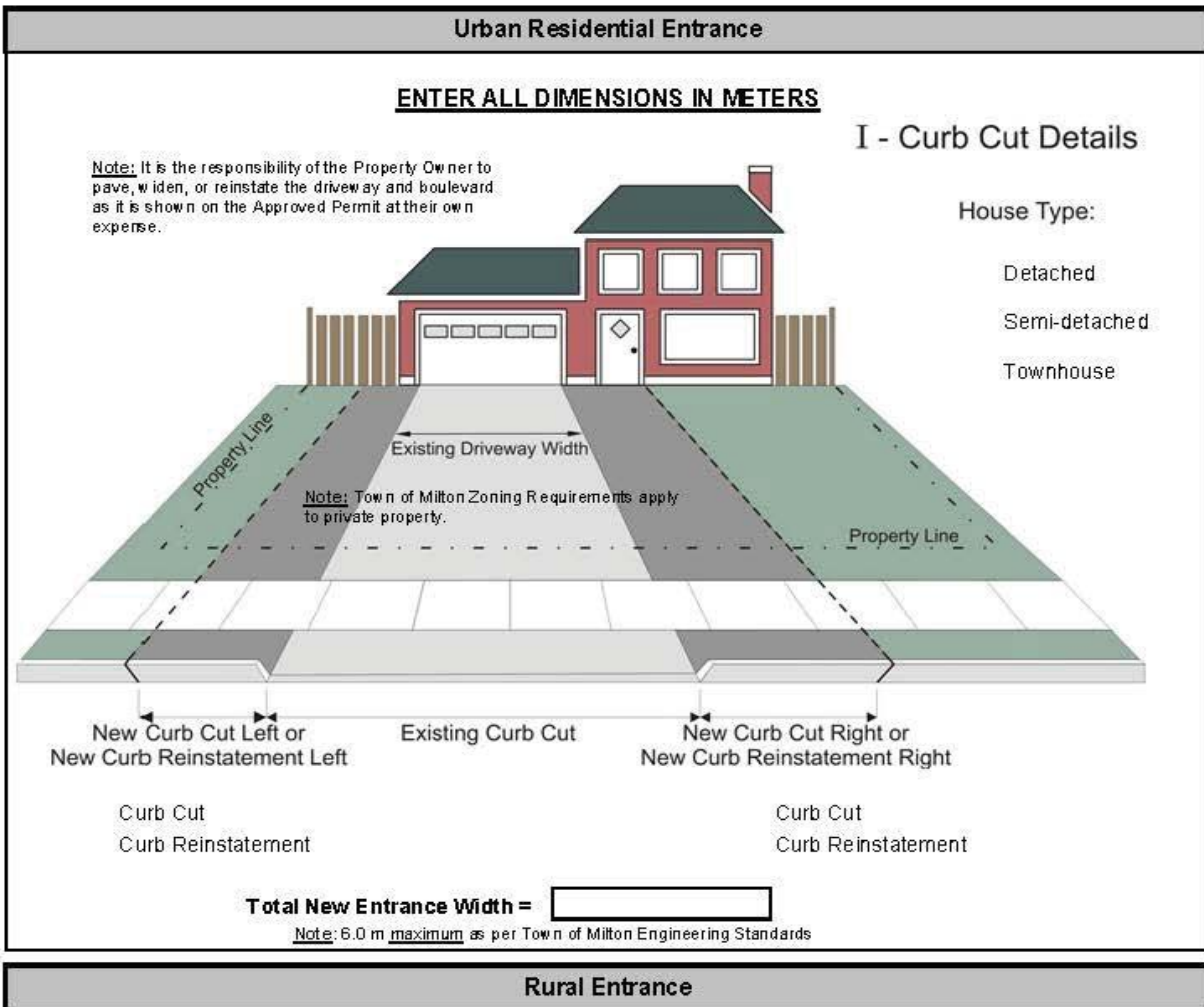
Company/Contractor, acting on behalf of the Property Owner

Business Name			
Address			
Contact		City	
Phone Number (office)		Phone Number (cell)	
Email			

- Complete drawing on page two with existing and proposed measurements in metres.
- For Site Plan/Building Permit Curb Cut and Entrance Permit application: submit a copy of the development application drawings.

I have read, understood, and will comply to the attached General Terms & Conditions which form part of this permit application

Signature (Property Owner)	Date		
Signature (Contractor)	Date	Application Fee _____	Paid
Town Approval	Approval Date	Job Fee _____	Paid
		Security _____	Paid
		Inspection _____	Paid



- All Rural Entrance Permits must be submitted with a drawing showing all existing and proposed entrances.
- A copy of the property survey may be used to create a drawing when the Entrance Permit is not related to a Development application.
- The drawing must show all existing and proposed driveway widths in meters including measurements to adjacent property lines.
- The drawing must show any existing culvert locations including their length and size.
- Entrance location shall be staked out prior to permit application.

New Culvert Requirements:

- Culverts shall be new, Boss 2000 dual-wall corrugated HDPE drainage pipe or approved equivalent.
- Culverts shall be backfilled with a minimum compacted cover of 300 mm of 19 mm Limestone. The remainder of the entrance within the right of way shall have a minimum compacted thickness of 150 mm 19 mm Limestone (or as specified by the Town and/or manufacturer).
- Culverts must have a minimum size of 375 mm with driveway side slopes top dressed with a minimum 100 mm of topsoil, sodded and graded to a maximum 3:1 ratio from the entrance driveway platform to the ends of the culvert invert.

General Terms & Conditions

1. No curb cut, access, or access modification works shall be carried out without an approved and issued Curb Cut and Entrance Permit.
2. All work within the Municipal Right of Way or other Town property will be carried out by the Town of Milton or the Town of Milton's contractor, at the sole cost of the applicant, as determined by the Director.
3. The permit shall expire three (3) months after the date of issuance, if the work which is the subject of the Permit, has not commenced within that time. After expiration of the three (3) month term, a new Permit must be obtained before proceeding with such work.
4. Any Entrance to a commercial or industrial property shall conform to the Town's Site Plan Approval process and the Town Standards, as per By-Law No. 75-2004
5. Works approved by the Town of Milton under an issued Curb Cut and Entrance Permit will be performed between April 1 and October 31. Works requested outside of those dates will be deferred.
6. Urban Entrances shall be paved with an asphalt surface or other approved material within 30 days of the entrance widening by the applicant at their sole expense.
7. **Any Entrance to a commercial or industrial property shall conform to the Town's Site Plan Approval process and the Town Standards.**
8. The Town of Milton will not accept responsibility for any damages to private sprinkler/irrigation heads, systems or other fixtures encroaching on Town property when performing works approved under a Curb Cut and Entrance Permit.
9. Should Applicant(s) proceed with work which has not been approved by the Town and for which an Curb Cut and Entrance Permit has not been issued; the Applicant(s) will be held responsible for any repair of damages and/or restoration of non-approved works back to the original condition at the Applicant(s) own expense. All costs incurred by the Town related to construction or rectification will be recovered by direct invoicing to the applicant. A 20% surcharge will be applied to cover the Town's overhead and administration costs.
10. Should Permit Holder(s) decide not to proceed with work for which an Curb Cut and Entrance Permit has been issued and paid; the Application Fee will not be refunded.
11. The Town of Milton will not guarantee the completion of any Curb Cut and Entrance Permit works by a specific date as requested by the Permit Holder(s).

Town Standards and Zoning Requirements

- Urban Residential Entrances shall have a minimum width of 3.2 m.
- Rural Residential Entrances shall have a minimum width of 5.0 m.
- **Maximum widths** for Residential Entrances:
 - (a) 3.2 m for lots having a frontage of less than or equal to 6.5 m;
 - (b) 4.0 m for lots having a frontage greater than 6.5 m and less than or equal to 8.0 m;
 - (c) 5.0 m for lots having a frontage greater than 8.0 m and less than or equal to 9.0 m;
 - (d) 6.0 m for lots having a frontage greater than 9.0 m and less than or equal to 11.5 m;
 - (e) 8.0 m for lots having a frontage greater than 11.5 m.
- The minimum distance at the Curb Line between Entrances on the same property frontage shall be:
 - (a) a minimum of 15 meters for urban residential lots;
 - (b) a minimum of 30 meters for rural residential and farm lots
 - (c) at the discretion of the Director for commercial/industrial/institutional lots
- The minimum distance at the Curb Line between any Entrance and any intersection shall be to Town Standards based on Road classification, traffic volume and speed or as otherwise determined by the Director.
- All Entrances shall have unobstructed visual sightlines for entry/exit for any part of the road including sidewalks and/or bike trails.
- Driveways are to be 1.2 m clear of utility structures and hydrants.

Working within the Municipal Right of Way

1. **The Applicant agrees to:** 1) Accept full responsibility for the protection of all utilities, private property and persons affected by his/her operations; 2) Provide proof of liability insurance (\$5,000,000 minimum) naming the Town of Milton as additional insured; 3) Indemnify and save harmless the Town of Milton and all assets and personnel it is in law responsible for.
2. All works carried out under this permit must be completed in accordance to the **Town of Milton Restoration Standards** and to the satisfaction of the Town of Milton.
3. The Applicant assumes **all responsibility of existing site conditions** within the location of the proposed works. Any pre-existing conditions may be field verified/noted by the Town's Permit Inspector at least 24 hrs prior to commencement of works.
4. Prior to commencing work, stakeouts must be obtained from all utilities in the Town of Milton.
5. When working, a copy of this permit and stakeouts must be on site at all times.
6. **A copy of the permit or written notification of completion of work must be provided to the Town of Milton for final approval and warranty.**
7. Positive drainage shall be maintained during the course of the work.
8. **No work is to be done during rush hour period (7:00 a.m. to 9:00 a.m., or 4:00 p.m. to 7:00 p.m.) on the travelled portion of the roadway.**
9. All signs and equipment must be off the travelled portion of the roadway before 9:00a.m., or after 4:00 p.m.
10. _____ Lane(s) of traffic must be maintained during working hours as per OTM Book 7.
11. All lanes of traffic must be maintained when not working.
12. All utilities shall be protected and supported, to the satisfaction of the affected utility.
13. The road surface and sidewalks shall be kept clear of obstructions or debris, to avoid hazard or inconvenience to the public.
14. Mud tracking or dust nuisance shall not be allowed. Any accumulation must be cleaned from the road and/or shoulders immediately. Failure to do so could result in the Town causing the cleaning to be carried out at the Applicant's expense and/ or charges under the Town's Obstructing Highways By-law (97-2000) as amended.
15. The Applicant shall not cut, trim or interfere with any trees (including roots) in the right-of-way without Town of Milton approval.
16. All changes and/or deviations from the approved plans and/or location shall be subject to re-approval by the Town of Milton.
17. The road shall not be closed without the consent in writing of the Director, Engineering Services.
18. The applicant agrees and accepts full responsibility to supply, maintain, clean and place all barricades, warning signs, delineators, and flashing lights, necessary for the protection of the public and the safe operation of the installation, at the applicant's own expense, as per the Ontario Traffic Manual (OTM), Book 7, Temporary Conditions latest revision. (Note: This manual depicts minimum standards, additional signing may be required)
19. All disturbed or affected areas to be maintained and guaranteed for **two years** after completion and acceptance of the work by the Town, at the applicant's expense.
20. The applicant accepts the Town's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a) The Director, Engineering Services will give the applicant not less than twenty-four (24) hours notice of any remedial work required, except for emergency work.
 - b) If at the expiration of the time allowed, the applicant or his/her contractor has not commenced remedial work to the Director's satisfaction, the Town of Milton may undertake to have this work done by whatever means it deems necessary.
 - c) The applicant agrees to reimburse the Town of Milton for all costs incurred under 22a) and/or 22b) and/or to supply the Town with a Security Deposit, for a specified amount, where applicable as noted in the Road Cut and Entrance By-Law.
21. Access for emergency vehicles and driveways must be maintained at all times.

SCHEDULE "B" TO BY-LAW 035-2016

The following Town employees or agents are hereby designated as Officers for the purpose of this By-law and authorized to carry out the administration and enforcement of this By-law:

- Director of Engineering Services and his/her designate.
- Municipal Law Enforcement Officers