

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1396

Being a by-law to regulate private driveway access to streets.

WHEREAS the Municipal Act, S.O. 2001, C. 25, Section 8, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Municipal Act, S.O. 2001, C. 25., section 9 (3) b) authorizes the Council of the Municipality to pass a by-law under Section 11, respecting a matter – may regulate, prohibit, provide for a system of permits and approvals and impose conditions as a requirement of obtaining a permit and approval;

AND WHEREAS the Municipal Act, S.O. 2001, C. 25., section 11, (1), (1) and (6) authorizes Council to pass by-laws respecting highways and drainage;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

1. Definitions:

- 1.1 “Culvert” means any object placed in a ditch or water course that is for the intended purpose of allowing flow of water through an infilled area.
- 1.2 “Town” means The Corporation of the Town of Marathon.

2. Obstruction Prohibited

No person shall obstruct, alter or interfere with any ditch, culvert or water course in the Town of Marathon.

3. Culvert Construction

- 3.1 No person shall construct or install any culvert (except as approved by application - Schedule 1 to this by-law) that crosses any drain or water-course on any highway within the Town of Marathon.
- 3.2 All culverts under construction shall be inspected by the Town before back-filling occurs.

4. Application for Private Drive

Upon receipt of the completed Schedule 1 and approval of said application, the applicant (owner/representative) for proposed culvert construction may;

- 4.1 construct such culvert upon the terms and conditions contained in sections 3, 5 and 8.
- 4.2 Alternately, the Town may construct such culvert at the expense of the applicant and upon the terms and conditions contained in sections 3, 5 and 8.
- 4.3 Despite said payment the title to any culvert pipe so installed remains with the Town.

5. **Culvert Specifications**

No person shall construct a culvert to provide vehicular access unless such culvert:

- 5.1 has an inside diameter of at least 15 inches; be a minimum of 2.7 meters (8.8 ft) in length for a single driveway up to a maximum of 7.92 metres (26 feet) for a double driveway;
- 5.2 the combined total of all private entrances to permit the passage of vehicles may exceed 2.7 meters (8.8 feet) to a lot maximum of 7.92 metres (26 feet) in width or 40% of the street line of the lot whichever is less.
- 5.3 is of standard corrugated galvanized metal construction.

6. **Culvert Replacement**

- 6.1 The Town may replace a culvert if;
 - a) it is in the opinion of the Works and Operations Manager that an existing culvert is in such condition, whether due to age, deterioration or damage that it should be replaced;
 - b) written notice of such intention is given to assessed owner of the lot served by said culvert;
- 6.2 The lot owner may replace such culvert upon the terms and conditions contained in section 3, 5 and 8.
- 6.3 Upon the replacement, by the Town, of any culvert herein provided, the owner of the lot served by such culvert shall pay to the Corporation on demand the cost thereof.

7. **Removal of Illegally Constructed Culverts**

- 7.1 If any culvert is/was constructed in contradiction of this by-law and the Works & Operations Manager deems the installation to be interfering with the flow of the water course or causing increased operational costs the person who installed the culvert shall forthwith upon written notice by the works and Operation Manager remove said culvert.
- 7.2 If such culvert is not removed within ten (10) days of the date of notice the Works and Operations Department may enter and remove such culvert at the expense of the owner.

8. **Costs**

- 8.1 The culvert will be supplied to the lot owner at cost plus 10% administration fee.
- 8.2 Labour and equipment will be charged out at rates listed in the most recent Fees & Charges.
- 8.3 A twenty-five dollar (\$25.00) non-refundable application fee will apply.
- 8.4 A twenty-five dollar (\$25.00) inspection fee will apply to all culvert construction or replacement not performed by the Town.

9. **Offences and Penalty**

Every person who contravenes any provisions of this by-law is guilty of an offence, and upon conviction is liable to the penalty specified by The Provincial Offences Act, R.S.O. 1990, c. P33, as amended.

This by-law shall come into force and take effect on the final day of its passing.

READ A FIRST AND SECOND TIME THIS 28TH DAY OF JUNE, A.D., 2004.

.....
Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF JUNE, A.D., 2004.

.....
Mayor

(SEAL)

.....
Clerk

SCHEDULE 1 TO BY-LAW NO. 1396

TOWN OF MARATHON
CULVERT INSTALLATION APPLICATION FORM

NAME _____ DATE _____

ADDRESS _____ PHONE # _____

GARAGE _____ DRIVEWAY _____
single/double/other single/double/other

LOT WIDTH (m) _____ EXISTING DRIVEWAY WIDTH _____
Measure/refer to legal plan of lot Measure in metres

REQUESTING DRIVEWAY WIDENING Yes No

REQUESTING CULVERT REPLACEMENT Yes No

REQUESTING CIRCULAR DRIVEWAY Yes No

REQUESTING A SECOND ACCESS Yes No

OTHER REQUESTS _____

SKETCH

Return completed form to:
Town of Marathon
Works & Operations Dept.
P.O. Bag "TM"
4 Hemlo Drive, Marathon, ON P0T 2E0

Fax: (807) 229-1999
General Inquiries: (807) 229-1340

WORKS & OPERATIONS DEPARTMENT USE ONLY

APPROVED Yes No DATE _____

COST \$ _____ G.S.T. _____ TOTAL _____