

THE CORPORATION OF THE  
TOWNSHIP OF BONNECHERE VALLEY

**BY-LAW NUMBER 2008-33**

Being a by-law to adopt policies regarding the assumption of private roads into the municipal road system.

**WHEREAS** Section 11 of the Municipal Act, S.O. 2001 c.25 permits a single-tier municipality to pass by-laws respecting highways, including parking and traffic on highways;


**AND WHEREAS** the Council of The Corporation of the Township of Bonnechere Valley deems it necessary to establish policies for the assumption of private roads into the municipal road system;

**NOW THEREFORE** the Council of The Corporation of the Township of Bonnechere Valley enacts as follows:

1. THAT the policies regarding road assumption attached hereto and marked as Schedule "A" to this by-law are hereby adopted.
2. THAT any prior by-laws relating to the assumption of private roads into the municipal road system of the former Townships of Grattan, Sebastopol, South Algona and the Village of Eganville, are hereby repealed.
3. THAT this by-law shall come into effect upon the third and final reading thereof.

**READ A FIRST AND SECOND TIME THIS 15th DAY OF APRIL 2008.**

**READ A THIRD TIME AND PASSED THIS 15<sup>TH</sup> DAY OF APRIL 2008.**

  
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MAYOR Zjg Mintha

  
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CAO Bryan Martin

## SCHEDULE "A"

### ROAD ASSUMPTION POLICIES for the CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

For the purposes of this policy the following words shall have the respective definitions:

**Assumed:** The process by which a municipality adopts a by-law to accept a road into the municipal road/highway system.

**Corporation:** The Corporation of the Township of Bonnechere Valley.

**Council:** The Council for the Corporation of the Township of Bonnechere Valley.

**Highway:** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or any other structure incidental thereto, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof

**Municipal:** Has the same meaning as "Corporation".

**Proponent:** A person or group of persons or an agent representing same, that is applying to the Council of the Corporation of the Township of Bonnechere Valley to have a road assumed into the Township of Bonnechere Valley road system.

**Proposal:** The request, which shall include all support documentation and reports submitted by the Proponent to the Corporation to have a private road assumed by the Corporation into the municipal road system.

**Private Road:** An existing road or a road to be constructed that was or will be constructed and maintained by a person or group of persons without any responsibility or obligation to construct or maintain same by the Corporation of the Township of Bonnechere Valley.

**Road:** Has the same corresponding meaning as "Highway".

**Township:** Has the same corresponding meaning as "Corporation".

- 1) Unless it is clearly in the public interest and for the general benefit of the Corporation it is not intended that private roads will be assumed by the Corporation and no responsibility for access, snow clearance, maintenance, liability or other obligation is acknowledged.
- 2) Council shall review each proposal to determine if the assumption of that road would best serve the Corporation and the residents therein. Roads that have previously been assumed by the Corporation shall not be considered a determining factor in the review of the existing proposal.
- 3) Without being necessarily limited to the following, Council shall consider the following criteria in determining if a road to be assumed is in the public interest:
  - (a) Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land, which are being used, or are capable of being used for the purpose permitted pursuant to the Zoning By-Law?
  - (b) Would the assumption of the road over-extend existing municipal roads maintenance programs or operations?

- (c) Was the road constructed to the standards as stated herein thus avoiding costly future repairs?
  - (d) Will the assumption of the road promote further desired development?
  - (e) Would further development require the road to be extended?
  - (f) Would further development on this road over-extend existing municipal services?
  - (g) Would the road facilitate the safe and efficient movement of goods and people?
- 4) In the submission of a proposal to the Corporation, the Proponent must demonstrate to Council, that the assumption of the private road is in the public interest and acknowledges and accepts that any and all costs of such assumption are to be borne by the Proponent, and that the following procedure applies:
- (a) Council shall review the proposal, and if it is deemed necessary, Council shall engage a consultant to prepare an engineering study and storm drainage plan, which shall identify all the requirements necessary for the assumption of the road by the Corporation.
  - (b) In the event an engineering study and storm drainage plan is required to be completed by the Corporation, the proponent shall submit to the Corporation prior to the commencement of the study, in cash or other form of irrevocable security, the amount of not less than Ten Thousand Dollars, (\$10,000.00), in Canadian funds, which may be increased at the discretion of Council and to be held in trust pending completion and payment of the study.
  - (c) The consultant shall, as part of the engineering report, prepare an estimate of all costs relating to the construction or reconstruction of the private road by the Corporation, to the standards as stated herein.
  - (d) The Council must be satisfied that not less than 80% of all property owners who will receive direct benefit from the assumption of the road, agree to the undertaking of the study and the assumption of the private road by the Corporation.
- 5) The following represents the minimum standard of road construction for the assumption of a private road by the Corporation. Acceptance of modified standards to the following shall be at the discretion of Council and shall be so reflected in the development agreement as described herein. The standard of construction for the assumption of a private road by the Corporation is conditional to modified requirements at the discretion of COUNCIL.
- (a) Minimum cleared width – 20 metres (66 feet).  
Road surface minimum width: 6.0 metres (20.0 feet) plus a minimum shoulder width of 1.0 metre (3.3 feet) on each side resulting in an overall width of 8.0 metres (26.0 feet).
  - (b) Unless otherwise advised by Council, all topsoil, rocks, tree stumps and other vegetation shall be removed from the proposed roadbed.
  - (c) Granular sub-base: minimum of 150 mm. (6.0 inches) in depth, more as required. Granular "A" or "M" grade crushed gravel surface course: minimum of 100 mm. (4.0 inches) in depth (compacted).

- (d) Ditch depth below profile grade (crown) of road: 0.6 metres (24.0 inches) minimum, or deeper to drain sub grade, and all sufficient to handle water runoff.
  - (e) New Culverts – minimum 450 mm. - 16 gauge steel or equivalent (18 inches) in diameter at all entrances, larger as required at drainage courses, 24" cross-flow culverts.
  - (f) Turn around (cul-de-sac) required at all dead end roads. Minimum radius required: 9 metre (30.0 feet) road surface, plus 1.0 metre (3.3 feet) shoulder. The Right-of-Way is to be not less than 20 metres (66 feet) at the turn around.
  - (g) Geo-metrics – 12% maximum grade where possible. Horizontal curves to be as flat as possible.
  - (h) Road to be located as near as possible to centre of right-of-way.
  - (i) Pavement shall be required if the Township road currently contains this feature and is being extended and/or serves as a connection to the new proposed development. Pavement requirement shall be of the same equivalent as presently exists on the Township road leading to the proposed development.
  - (j) All road materials are to be compacted prior to the completion of next stage of construction.
- 6) Prior to the commencement of any construction or reconstruction the Corporation and the Proponent shall enter into a Development Agreement, which will address all matters pertaining to the road assumption, financial and otherwise.
- 7) The Development Agreement in addition to addressing the technical and financial aspects of the road assumption shall require:
- (a) The Proponent to survey and convey to the Corporation free and clear of all encumbrances, title to the land on which the road to be assumed is located, and the said lands shall be not less than 20 metres (66 feet) in width.
- 8) In the event the proponent fails to proceed with the required construction or reconstruction as identified herein, there shall exist no obligation on the part of the Corporation:
- a) to continue with any construction or reconstruction as required;
  - b) to reimburse the Proponent for any costs that have been incurred with the proposal,
  - c) to assume the road or any part thereof into the municipal road system, until such time as all construction or reconstruction as required is completed to the standards as identified herein.
- 9) All Imperial Measurements as stated herein are submitted for the ease of conversion for the reader. In all cases, Metric measurements shall be considered true measurements to prescribe the applicable standard.