

**THE CORPORATION
OF THE
MUNICIPALITY OF HURON EAST
BY-LAW NO. 24 FOR 2013**

Being a by-law to amend By-Law 23-2001 and By-Law 3-2007 of
the Corporation of the Municipality of Huron East.

WHEREAS the Corporation of the Municipality of Huron East, pursuant to provisions of Section 308(3) of the Municipal Act, R.S.O. 1990 as amended, passed a by-law to regulate the construction or alteration of any entranceways, private roads or accesses to a municipal road;

WHEREAS the Corporation of the Municipality of Huron East, pursuant to provisions of Section 391 of the Municipal Act, S.O. 2001, c. 25, as amended, passed a by-law to impose fees and charges;

AND WHEREAS Section 11(3) of the Municipal Act, S.O., c.25, as amended, provides a lower tier municipality with the authority to pass by-laws under specified spheres of jurisdiction, highways being a sphere of jurisdiction;

AND WHEREAS the Council of the Municipality of Huron East is desirous of amending certain provisions of By-Law 23-2001 and By-Law 3-2007;

NOW THEREFORE the Council of the Corporation of the Municipality of Huron East
ENACTS AS FOLLOWS:

1. That the entrance permit fee in Schedule "B" of By-Law 23-2001 be changed from \$50.00 to \$75.00.
2. That the following paragraph in Schedule "B" of By-Law 23-2001 under the Maintenance of Entrances shall be deleted.

A culvert installed under the terms of the entrance permit shall become the property of the Municipality upon acceptance of the work and all subsequent maintenance, repairs, alterations, etc., shall be the responsibility of the Municipality.

3. That the clause deleted by Section 2 shall be replaced with the following:

A culvert that forms part of an entrance to a property shall be considered as part of the access to the subject property and shall remain the responsibility of the property owner to maintain and replace as necessary. The Public Works Coordinator has the authority, if in his opinion, the condition of the subject entrance adversely compromises the safety or integrity of the travelled portion of the road allowance to require the owner of the subject entrance to make such repairs or improvements as deemed necessary. If such repair or improvements are not made, the Public Works Coordinator, acting responsibly, shall make such necessary repairs and the costs of such repairs shall be recovered from the property owner.

4. That under the heading “Number and Width of Accesses” in Schedule “B” of By-Law 23-2001, the following clauses shall be added:

That field entrances to farm properties shall be limited to one entrance per 400 metres of frontage subject to the following conditions:

- i) Where the frontage to an open public road is bisected by a man-made or natural fixture such as a municipal drain, river or wood lot, additional entrance(s) may be permitted by the Public Works Coordinator if the lack of additional entrances would cause undue hardship or cause significant damage to man-made or natural fixtures.*
 - ii) Where the subject property is a corner lot, one additional field entrance will be allowed.*
 - iii) When an existing field entrance is or is proposed in a location that is a joint boundary between two properties, such joint entrance shall not be used in any determination of the number of permitted entrances.*
5. That the entrance permit fee onto Huron East roads in Schedule “C” of By-Law 3-2007 be changed from \$50.00 to \$75.00.
6. That this by-law shall come into force and take effect on the date of final passing thereof.

READ a first and second time this 7th day of May, 2013.

READ a third time and finally passed this 7th day of May, 2013.

Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk