

Improvement and/or Opening of Municipal Road Allowances Procedure

Approved By:
Approval Date:
Effective Date:
Revision Date:

Definitions:

An **unopened road allowance** as defined by the *Municipal Act* is a public highway that has not been opened and assumed for maintenance purposes by way of By-law.

Highway Defined by the *Municipal Act*, Section 21 as amended as: means 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 a highway.

Township, Township of Douro-Dummer or Douro-Dummer means The Corporation of the Township of Douro-Dummer and includes its entire geographic area.

Applicant for the purpose of this Policy, means developers, residents, or ratepayers or other associations who are making a request regarding an unopened road allowance.

Road Allowances refer to allowances originally laid out for roads by a crown surveyor, including both road allowances shown on an original Township survey and road allowances shown along the water in a plan of subdivision.

Unassumed/unmaintained means roads that are owned by the Township that are not maintained on a year-round basis or have not been assumed into the municipal road system. This shall include unopened road allowances.

Municipal Clerk, Township Clerk or Clerk means the person appointed by Council to carry out the duties of the Clerk described in *Section 228*, of the *Municipal Act, 2001*.

Council or Municipal Council means the municipal Council for the Township.

Manager of Public Works means the person responsible for overseeing all aspects of the Township's public infrastructure, including roads, bridges, sidewalks, streetlights, storm water systems, and waste management, ensuring that maintenance standards, repairs, and construction projects are managed accordingly.

Purpose:

To protect the Township from liability claims by persons using unassumed unmaintained road allowances and from demands that such unopened road allowances be improved and maintained at the expense of the ratepayers of the Township.

Application:

When submitting a proposal to the Township, all documentation and information must satisfy Council that the improvement and possible opening of an unopened municipal road allowance is in the public interest, and/or in line with the strategic goals as set by Council. The Applicant acknowledges and accepts that any and all costs associated with the request are to be borne by the Applicant, including those associated with hiring contractors for the road improvement if required.

Responsibilities:

Municipal Council shall:

Without being limited to the following, consider this criteria in determining if it is in the public interest and/or in line with the strategic goals to improve and open an unmaintained road allowance:

- Would the assumption of the road over-extend existing municipal roads maintenance programs, operations and resources?
- Would the road facilitate the safe and efficient movement of goods and people?
- Council shall ensure comments and concerns of neighboring property owners are taken into account.
- Council shall be satisfied that all planning regulations have been adhered to in line with the strategic goals.

Municipal Clerk shall:

- Receive and review application to Improve and/or Open a Municipal Road Allowance
- Provide a copy to Manager of Public Works
- Bring the application to Council.
- On the direction of Council shall provide all property owners within 120 meters of the request site and stakeholders for a period of 30 days to solicit their comments.
- Notify all relevant authorities about the application to ensure compliance with all planning regulations.

- Based on Council's decision, prepare a Constructed Roadway Agreement for the Applicant to enter into and/or a By-law to assume the road into the Township Road System.

Applicant Responsibilities:

- The costs associated with the construction works necessary to meet the minimum construction standards and administrative and legal costs associated with the assumption of the road shall be the responsibility of the Applicant
- Upon approval enter into a Constructed Roadway Agreement with the Township if directed to by Council
- Shall submit an application for Improving and/or Opening a Municipal Road Allowance in writing stating the intended use, reason for the application including an accurate location and description plan.
- Shall cover all costs/expenses of the entire project (including but not limited to replacing or repairing any ditches, culverts, fences or property damage caused by the construction
- Shall provide an OLS survey of the road allowance to the Township, before any work begins.
- Shall obtain adequate liability insurance coverage with the Township added as an insured party on the policy prior to the commencement of work.
- Shall hire Township approved contractors with adequate WSIB insurance coverage for the duration of the road improvement/opening project.

Manager of Public Works shall:

- Inspect the road allowance.
- Notify and Consult with the Fire Chief.
- Determine what Township specifications are required.
- Provide the Applicant with current specifications for multiple types of roads and a copy of the Policy and Procedure.
- Ensure full compliance with all planning regulations.
- Oversee the road allowance construction project – Provide approval and direction as required.
- Determine when the project is complete and notify the Clerk.

Steps:

1. The Clerk will review the application to make sure the necessary information is included and provide a copy to the Manager of Public Works
2. The Manager of Public Works shall visit the site to determine what is required to improve and/or open the road allowance and provide a copy

- to the Applicant and the Clerk, the necessary road specifications as well as a copy of the Policy and Procedure.
3. If the Applicant wishes to proceed:
The Clerk shall present the request to Council, for their direction.
 4. If Council wishes to entertain the request, the Clerk shall notify all relevant authorities about the application to ensure compliance with all planning regulations and provide all of the property owners within 120 meters of the request site. The Township will wait 30 days for stakeholders to solicit their comments.
 5. Following the notification period, Council shall evaluate the proposal based on the information available.
 6. If the application is denied the decision is final and the Applicant cannot re-apply for a minimum of 12 months.
 7. Upon approval, the Applicant shall pay a non-refundable application fee as listed in the fees and charges By-law and submit to the Township a deposit of twenty thousand dollars (\$20,000.00). The Clerk will provide the Applicant with an estimate and an additional deposit may be required prior to proceeding. This deposit will be used to cover any Township costs, and the amount may be increased as needed. Note: Any amount of the deposit that is not used by the Township to cover associated costs will be returned to the Applicant.
 8. The Applicant will provide the Township with an OLS Survey. All work must be done under the direction of, and with the approval of the Manager of Public Works.
 9. If directed, the Applicant shall enter into a Constructed Roadway Agreement with the Township.
 10. The road must be built to the Township standards, by Township approved contractors with adequate WSIB insurance coverage for the duration of the road allowance improvement/opening project and the Applicant is required to have adequate liability insurance coverage with the Township of Douro-Dummer named on the policy for the duration of the road allowance improvement and/or opening project, the Applicant must provide proof to the Township before any construction begins.
 11. Any fences required shall be installed, repaired, or replaced as required with the property owner's approval. Any damages caused by the

- construction to private property or fences shall be repaired or replaced at the expense of the Applicant.
12. All wood, logs and other natural materials from any clearing done belong to the Township, unless deemed otherwise by the Manager of Public Works.
 13. The road construction will be considered complete when the Manager of Public Works has been confirmed and reported to the Clerk that the condition of road allowance is satisfactory to the Townships minimum mandatory standards.
 14. Upon Completion, the Clerk shall prepare a Constructed Roadway Agreement for the Applicant to enter into if necessary, and/or create a By-law to officially incorporate the road into the Township Road System.
 15. If the road is not an extension of an existing road, its name may be selected based in the naming convention and adhere to Policy and Procedure C-09 for Municipal Asset Naming.
 16. Any remaining deposit shall be returned to the Applicant.