

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # 8-02

**BEING A BY-LAW TO ESTABLISH
A TOWNSHIP POLICY ON THE
USE OF UNOPENED ROAD
ALLOWANCES**

WHEREAS the Municipal Act imposes on Local Municipalities the obligation to manage and maintain the Public Road System lying within the boundaries of the Municipality;

AND WHEREAS the Township receives requests from time to time from Ratepayers and other interested parties for permission to use portions of unopened road allowances lying within the boundaries of the Municipality;

AND WHEREAS a significant portion of the municipal budget is expended on the maintenance of the road system and the only effective way to maintain control over current road expenditures and liability for future maintenance costs of the road system is to ensure that new roads are only added on a cost effective basis;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RYERSON ENACTS AS FOLLOWS:

1. This By-Law may be cited as "The Ryerson Township Policy on use of Unopened Road Allowances".
1. The Corporation of the Township of Ryerson will generally refuse to permit any person to open any unopened road allowance within the Township by way of a trail, driveway, or road capable of being used by any motor vehicle whatsoever. The purpose of this policy is to protect the Municipality from liability claims by persons using unimproved road allowances and from demands that such road allowances be improved and maintained at the expense of the general ratepayers of the Municipality.
1. This policy does not prevent the use of unopened road allowances by adjoining landowners until they are required for road purposes, so long as such use does not permit the public to access the road allowance for purposes of traveling along it.

1. The Township will consider opening an unopen road allowance where the number of potential users warrants the expense of maintaining it and where such potential users are prepared to pay the cost of initially constructing a road to the same standard as similar publicly-maintained roads located elsewhere in the Municipality.

1. The Municipality will consider permitting the location of a private driveway on an unopened road allowance where each of the following criteria are met:
 - (A) The distance to be traveled along the road allowance is short.

 - (A) The number of property owners who could access the section of road allowance to be so used is very limited.

 - (A) Each of the adjoining owners mentioned in the previous sub-paragraph enters into an agreement to be registered on title and binding subsequent owners of their property not to demand future improvement of the road allowance by the Municipality and protecting the Municipality from liability claims of users of the driveway. The person applying to use the road will pay the full legal costs of the Township Solicitor in drawing and registering the agreement(s).

 - (A) The boundaries of the portion of road allowance to be used are marked by an Ontario Land Surveyor at the expense of the applicant, prior to the commencement of any work to avoid trespassing on neighbouring land.

 - (A) The proposal is completed in such a way as to prevent or discourage members of the general public from using the road allowance. Such measures may include locating part of the driveway on private property so that it can be gated and access controlled.

 - (A) Any Provincial or Federal requirements dealing with Environmental Protection or other issues are met at the expense of the Applicant.

- I. The Municipality will generally permit persons wishing to construct an access road over privately owned land with the permission of the owner(s) to cross any road allowance at a 90 degree angle for a distance of 66' from one side to the other.

- I. No person shall commence any work on a road allowance within the Municipality including the cutting of any tree located thereon without a permit from the Municipality. Persons who commence such work without a permit will be considered trespassers and prosecuted accordingly.

READ A FIRST TIME THIS 30 DAY OF April 2002.

Original signed by Frank Gavine

REEVE.

Original signed by Judy Kosowan

CLERK.

READ A SECOND, AND
THIRD TIME, SIGNED AND THE
SEAL OF THE CORPORATION
AFFIXED THERETO AND FINALLY
PASSED THIS 7 DAY OF
May, 2002.

Original signed by Frank Gavine

REEVE.

Original signed by Judy Kosowan

CLERK.