

Bylaw 16- 2024

A BYLAW TO REGULATE THE CONSTRUCTION, MODIFICATION AND MAINTENANCE OF APPROACHES

WHEREAS, under the authority of Section 12(1) of the Municipalities Act, 2005, the Village may by bylaw establish a bylaw to regulate the construction, modification, and maintenance of access to public roadways.

NOW, THEREFORE, the Council of the Resort Village of Candle Lake duly assembled enacts as follows:

SHORT TITLE

1. This bylaw may be referred to as the 'Approach Bylaw'.

PURPOSE

2. The purpose of this bylaw is to regulate the construction, modification, and maintenance of approaches.

DEFINITIONS

3. For the purpose of this bylaw, the following terms shall have the following meanings:
 - a. 'Approach' means an improved surface that serves as a private crossing of a municipal right of way.
 - b. 'Conforming approach' means an approach that is not a nonconforming approach
 - c. 'Culvert' means a subsurface pipe of corrugated steel, or any other such material approved by the Resort Village which acts as a conduit for water.
 - d. 'Ditch' means the channel located within the road right of way, including the side slopes up to the edge of the shoulder of the one side and up to the property line of the adjacent property on the other side.
 - e. 'Intersection' means the area within the projection or connection of the lateral boundary lines of two or more roadways that meet one another at an angle whether or not one roadway crosses the other.
 - f. 'Landowner' means the owner of the property to which the approach would or does grant access.
 - g. 'Nonconforming approach' means an approach constructed on or after the date on which this by law comes into force that does not comply with the conditions contained within this bylaw.
 - h. 'Resort Village' means the authorized representative of Resort Village of Candle Lake.
 - i. 'Primary access' means any approach to a parcel that will require a civic address.
 - j. 'Road right of way' means the portion of the road allowance from the centre of the roadway to the property line of the adjacent boundary, including the shoulder and ditch.
 - k. 'Roadway' means the portion of a public highway designed for vehicular travel.
 - l. 'Secondary access' means any approach to a parcel that already has a civic address assigned and a primary approach.
 - m. 'Shoulder' means the part of a roadway immediately adjacent to the roadway and having a surface of asphalt or gravel for use of vehicles.

INTERPRETATION

4. Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this bylaw.

5. If any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal, or ultra vires such section subsection or part or parts shall be deemed to be separable and all parts hereof are declared to be separate and independent and acted as such.
6. In this bylaw, a word interpreted in the singular number has a corresponding meaning when used in the plural.

APPLICATION FOR APPROACH APPROVAL

7. No person shall construct, relocate, or alter an approach without first obtaining a written notice of approval from the Resort Village.
8. Applications for approach approval shall consist of a completed access approach application as prescribed in Schedule A, along with the applicable fee. The applicable fee will be in accordance with the Fees and Charges Bylaw 09/2023.
9. An application for approach approval under this bylaw shall be made by the landowner or an authorized representative of the owner.
10. If, after review of the application, the location and specification of the approach complies with current municipal standards defined by this policy and the Zoning Bylaw an approach permit shall be issued as defined in Schedule B. Written notice shall include any special conditions and the minimum required culvert size.
11. All approaches shall be constructed in conformance with all existing government regulations and comply with conditions and minimum required culvert size specified in the written notice of approval.
12. If written notice of approval is granted, construction must be completed within six months, unless granted an extension by the Resort Village as specified in the written notice of approval. If not completed within six months, the landowner may be required to submit a new application along with the applicable fee.
13. The landowner must request an inspection after the approach has been constructed.
14. Any costs resulting from delays shall be borne by the landowner. If cleanup is not completed within the time specified by a written notice issued by the municipality, the Resort Village may undertake the work and invoice the landowner for the costs incurred including a 20% penalty surcharge.

GENERAL REGULATIONS

15. All new approaches or upgrading of existing approaches will be constructed to the standard referred to by Schedule C or as may be amended, modified, or revised by the Resort Village from time to time.
16. The approach shall be constructed with clean granular, gravel or clay material. Material shall be free of objectional material such as frozen soil, topsoil, trees, and large boulders.
17. No shared approaches between two properties will be approved unless otherwise directed by the Resort Village.
18. Adjacent approaches must be separated by a minimum of 3 m.
19. New approaches shall not be constructed in such a manner as to restrict sight lines or in any way adversely affect traffic safety.
20. To ensure that the neighboring lot does not impact the location of a new approach, approaches must be 1.5 m from the side site line.
21. A second approach may be permitted along the front site line subject to meeting the siting and separation distances defined in this bylaw.
22. All construction and all costs of construction are the responsibility of the landowner. This includes all materials, equipment rentals or purchases, labour costs or any other costs required to complete construction.
23. Material from within the municipal road right of way shall not be used for the construction of the approach.
24. The approach shall be constructed with no resulting damage to the road shoulder, road surface,

- side slopes and or ditches.
25. The landowner shall be responsible to locate all existing utilities within the right of way and ensure that construction does not result in any damage or interference.

NON-CONFORMING APPROACHES

26. Existing approaches constructed before the date of adoption of this bylaw shall be considered legal non-conforming unless the approach is considered by the Resort Village to restrict sight lines or in any way adversely affect traffic safety.
27. Where a non-conforming approach is deemed to restrict sight lines or in any way adversely affect traffic safety, written notice shall be provided to the landowner specifying that remedial work that must be carried out at the owner's expense.
28. If the landowner has not completed the remedial work to the satisfaction of the Resort Village within the time frame defined in the notice, the Resort Village may undertake the work and invoice the landowner for the costs incurred including a 20% penalty surcharge.

REMOVAL OF AN APPROACH

29. Every person who removes an approach must reinstate, at their expense, the shoulder and ditch to the Resort Village standards. Failure to do so shall result in the approach being declared a nonconforming approach.

MAINTENANCE AND UPKEEP OF APPROACHES

30. The maintenance and upkeep of the approach surface is the sole responsibility of the landowner of the property to which the approached grants access.

APPROACH MODIFICATIONS REQUIRED FOR PUBLIC WORKS

31. Where the Resort Village undertakes any construction or reconstruction work that affects the conforming approach, the Resort Village shall undertake any reconstruction of the approach made necessary by the construction or reconstruction at no cost to the landowner.

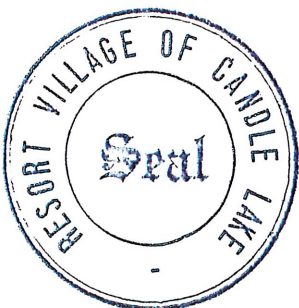
COMING INTO FORCE

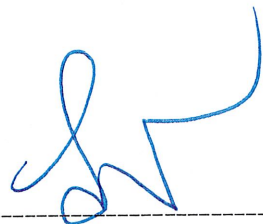
32. This Bylaw shall take effect and come into force upon the date of final passing by the Council.

Introduced and read a first time this 27th day of June, 2024.

Read a second time this 27th day of June, 2024.

Read a third time and passed this 27th day of June, 2024.





Mayor



Chief Administrative Officer

^{BK}
CERTIFIED TRUE COPY
July 9/2024

**SCHEDULE A
APPLICATION FOR AN APPROACH**

Landowner Name:	
Civic Address of Approach:	
Mailing Address:	
Telephone:	
Email:	

Please provide a detailed site drawing (hand drawn or Google map) including the distance of the proposed approach in meters to the nearest property line and the name of the road the approach will access. The location must be staked prior to approval.

Please Note:

- All approaches must conform to Approach Bylaw 16-2024 and the Construction Standards for Road Approach.
- A culvert is required for all new approaches unless otherwise determined by the Resort Village. The size of the culvert will be determined by the Resort Village.
- The applicant is responsible for the construction of the approach.
- After the construction of the approach, the Resort Village must be contacted to do an approach inspection.

I confirm that the applicant and his/her employees, agents, and representatives will comply with the terms and conditions of this Bylaw, any other permits, directives, or orders issued in accordance with this permit application.

I certify that the information contained in this application is true, complete, and accurate.

Applicant's Signature	
Date:	

SCHEDULE B
APPROACH PERMIT

In accordance with Section 10 of Bylaw 16-2024, permission is hereby granted to the person identified herein to construct an approach as defined by the attached application forming part of this permit.

Permittee Information:

Landowner:			
Civic Address (Approach):			
Mailing Address:			
Telephone:		Email:	

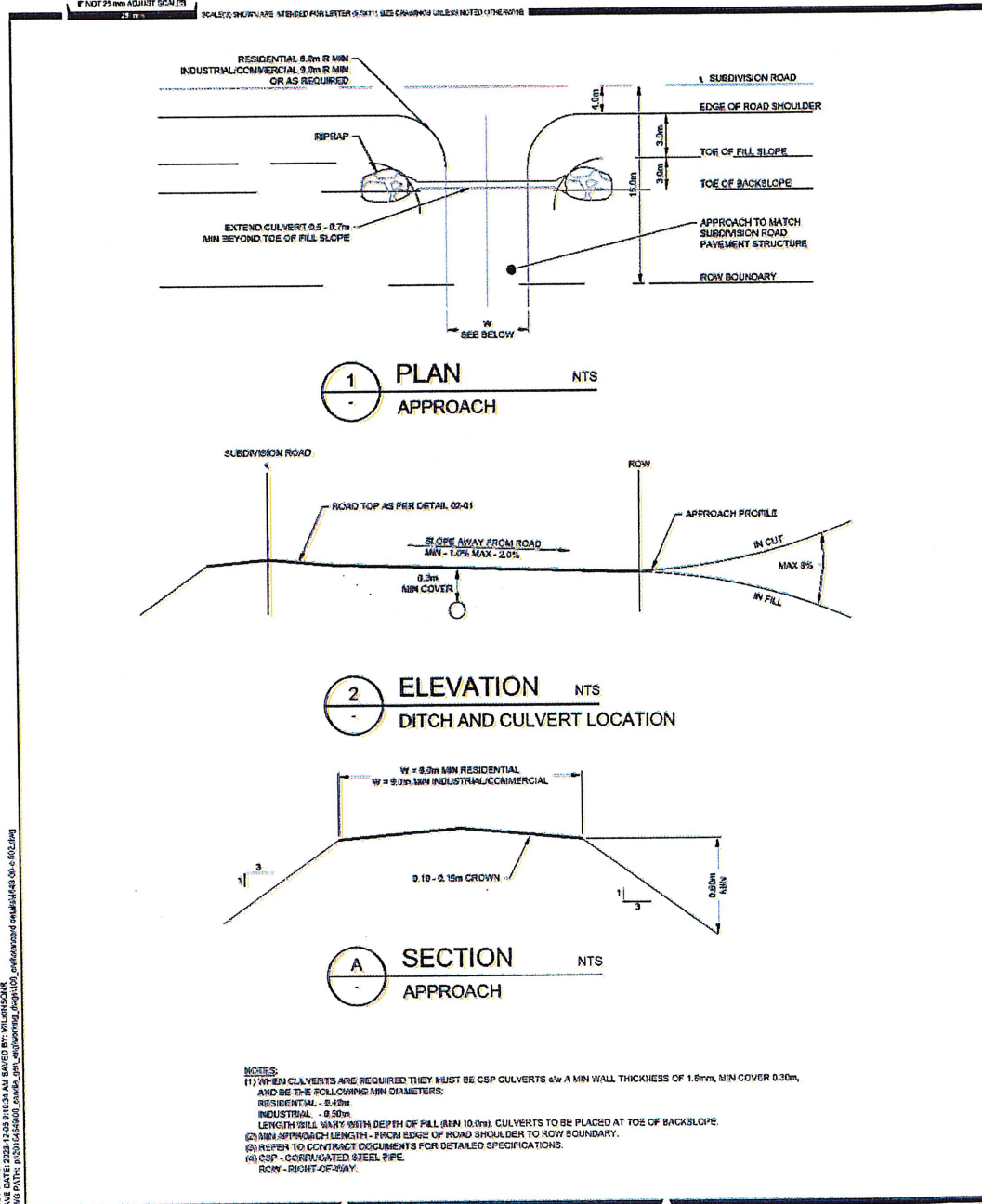
Approach Permit Number:	
Date of Issue:	
Date of Expiry:	

Permit Conditions:

1. INSERT ANY CONDITIONS THAT MAY APPLY FOLLOWING REVIEW INCLUDING CULVERT SIZE AND SPECIFICATION

Authorized Signature - Resort Village of Candle Lake

SCHEDULE C CONSTRUCTION STANDARDS FOR ROAD APPROACH



PLOT DATE: 2023-12-05 02:27:48 AM
 SAVE DATE: 2023-12-05 01:03:41 AM SAVED BY: VILORISONS
 CWD PATH: p:\3101668001\dwg\100_candlelake\02-03-00-00.dwg



AE PROJECT No. 2015-4649-00
 SCALE AS SHOWN
 APPROVED J. HORAN
 DATE 2023AUG31
 REV A
 DESCRIPTION ISSUED FOR REFERENCE

DETAIL 02-03
 RESORT VILLAGE OF CANDLE LAKE
 CIVIL APPROACH

DWG No. DETAIL 02-03