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## The Corporation of the Municipality of Clarington

### By-law 2026-020

Being a By-law to regulate the use and maintenance of Municipal Roads and Boulevards

Whereas Subsection 11(3)1. of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a local municipality to pass by-laws regulating highways under its jurisdiction;

AND Whereas sections 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001, c.25 authorize municipalities to delegate the power to close a highway temporarily;

AND Whereas Section 444 of the Municipal Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do work required to correct the contravention;

AND Whereas Section 446 of the Municipal Act provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the cost to the tax roll and collecting them in the same manner as taxes;

And whereas, the Municipal Council has adopted the recommendations contained in Staff Report LGS-012-26;

Now therefore the Corporation of the Municipality of Clarington enacts as follows:

## **1. Definitions**

1.1 For the purposes of this By-law, unless stated otherwise or the context requires a different meaning:

“Applicant” means the person applying for a Permit;

“Application” means a written submission in the form approved by the Municipality to request, or amend, a Permit;

“Boulevard” means that portion of a Road Allowance between the travelled portion of the Road, curb, or edge of the shoulder and the limit of the lateral property line, and shall include any reserve owned by the Municipality that is adjacent to a Highway;

“By-law” means this By-law, as it may be amended from time to time, including schedules;

“Council” means the Council of the Municipality of Clarington;

“Deputy CAO” means the Deputy CAO of Public Services for the Municipality, designate, or equivalent;

“Driveway” means that portion of a lot used to provide vehicular access from a Highway to an off-street parking or loading area located on the same lot;

“Expense” means the cost of carrying out work to be done and an administrative charge as outlined in the User Fee By-law;

“Hard Landscaping Material” means asphalt, concrete, interlocking brick, block, stone, wooden boards, or any solid or inorganic granular material;

“Highway” has the same meaning as the Highway Traffic Act, R.S.O. 1990, c. H.8

“Municipality” means the Corporation of the Municipality of Clarington, or its geographical area, as the context requires;

“Officer” means an individual whose duties include the enforcement of this By-law;

“Infrastructure” means any physical structure, system, asset, equipment, or property owned, operated, or maintained by the Municipality or other public agency, utility, or service provider;

“Owner” means any Person who is shown as the registered owner of a Property in the most recent municipal tax records or on the title to the Property according to the records of the land registry office, or any Person who leases, rents, occupies,

manages, or otherwise has care, control, or charge of the Property;

"Permit" means a formal written authorization issued by the Municipality pursuant to this By-law;

"Permit Holder" means the Person to whom a Permit has been issued, or transferred to with the consent of the Deputy CAO;

"Person" means an individual or a corporation, and "Persons" has a corresponding meaning;

"Private Entrance" means the portion of a Road Allowance that is constructed as a means of access from the travelled portion of Road to a private road, gate, driveway, or parking area. This includes any area where the curb, Boulevard, or shoulder is interrupted, depressed, or otherwise altered to facilitate such access;

"Property" means land, including any building or structures appurtenant thereto;

"Road Allowance" means the full width of a common and public highway, street, Road, avenue, parkway, lane, Boulevard, Private Entrance, square, place, bridge, roundabout, sidewalk, trail, path, walkway, viaduct, or trestle that forms part of a Highway, and includes the entire area between the lateral property lines, whether or not it is open, constructed, or maintained for public travel, and whether or not it is intended for the passage of Vehicles or pedestrians;

"Road" means that portion of a Road Allowance that is improved, designed, or ordinarily used for vehicular traffic, and includes the traveled portion, shoulders, curbs, and any associated pavement markings, but does not include the Boulevard, Sidewalk, or untraveled portions of the Road Allowance;

"Road Occupancy" means the following activities within or affecting a Road Allowance:

- a) the use of the Road Allowance for any work, construction, or related activities;
- b) the obstruction, damage, or fouling of a Road Allowance;
- c) any activity that interferes with public travel or use of a Road Allowance;
- d) the installation, construction, or maintenance of utilities or services within a Road Allowance;
- e) any temporary activity involving the discharge, release, deposit, dumping, placement, or storage of objects, materials, or substances within a Road

- Allowance including but not limited to earth, gravel, sand, ashes, rocks, signage, temporary fencing, organic matter, waste containers (bins or otherwise), or any other item or material;
- f) the operation of a crane, boom or other piece of equipment above a Road Allowance;
  - g) the operation or transport of any vehicle, load, object or structure in excess of the load and dimension limits set out in Parts VII and VIII of the Highway Traffic Act, R.S.O. 1990, c. H.8; or
  - h) any alteration to a Road Allowance, including excavation, grading, landscaping.

“Sidewalk” means the portion of a Road Allowance that is improved and set aside for the use of pedestrians;

“Soft Landscaping” means any combination of living horticultural elements such as grass, sod, flowers, shrubs, trees, or other vegetation that is not covered by an impervious surface. Soft Landscaping does not include artificial turf, buildings, structures, or Hard Landscaping Material.

“Tree Ring” means ornamental material encircling the base of a tree;

“User Fee By-law” means the Municipality’s User Fee By-law;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, machine used for road construction or maintenance, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power; and

“Zoning By-law” means the Municipality’s Zoning By-law;

## **2. Application**

- 2.1 This By-law applies to all Road Allowances that are under the jurisdiction of the Municipality, and to all Persons using those Road Allowances.

## **3. Administration**

- 3.1 The Deputy CAO and any Officers appointed by the Municipality shall have all

necessary powers to administer and enforce the provisions of this By-law, including, without limitation, the authority to issue an order. For clarity, where any section of this By-law authorizes the Municipality to take an action or perform any work:

- a) such action or work may be undertaken at the direction of either the Deputy CAO or an Officer, unless otherwise specified in this By-law; and
- b) the Deputy CAO or an Officer may engage any necessary personnel, including third-party contractors, agents, or suppliers of goods and services, to carry out the action or work.

## **4. Prohibitions**

4.1 No Person shall cause or permit the construction, creation, installation, expansion, or alteration of a Private Entrance without first obtaining a Permit.

4.2 No Person shall cause or permit a Road Occupancy without first obtaining a Permit.

4.3 No Person shall cause or permit;

- a) the installation, construction, or maintenance of any object or structure upon, under, or over a Road Allowance, including but not limited to:
  - Hard Landscaping Materials;
  - pillars, ornamental figures, retaining walls, Tree Rings, statues, or stairs;
  - fences, gates, or doors that open or swing over a Road Allowance.
- b) the installation of any drainage system, irrigation system, electrical wiring, electrical fixtures, or artificial turf on a Road Allowance;
- c) the throwing, placement, or deposit of any dirt, rubbish, leaves, snow, refuse, or similar materials on the travelled portion of a Road, street, or

Sidewalk within a Road Allowance;

- d) any tree, shrub, hedge, plant, vine, or other vegetation to be planted, to grow, or to encroach upon or over any part of a Road Allowance;
- e) the removal, cutting, trimming, damage, or destruction of any tree located within a Road Allowance;
- f) the damage or destruction of any curb or sidewalk located within a Road Allowance;
- g) the deposit or spillage of oils, chemicals, or other caustic or toxic substances on a Road Allowance, including those resulting from, vehicle maintenance, rust prevention treatments, or general vehicle leakage;
- h) freshly poured concrete to be damaged within a Road Allowance before it has been opened for public use;
- i) the entry to any area of a Road Allowance that has been closed to the public for construction, maintenance, emergency, or similar purposes;
- j) the removal, damage, or interference with the placement of any barricade, street sign, traffic sign, traffic control device, or Infrastructure within a Road Allowance;
- k) the alteration of a ditch or drainage course located within a Road Allowance;
- l) silt or sediment to migrate from their Property onto any portion of a Road Allowance, including ditches, drainage courses, Sidewalks, or Road surfaces; or
- m) interference with the Municipality's or an authorized utility company's ability to install, repair, or maintain any Infrastructure within a Road Allowance.

4.4 Where a Permit has been issued, no Person shall construct, install, expand, or alter any Private Entrance, undertake Road Occupancy, or any prohibited activity except in accordance with:

a) the approved plans and documents submitted with the Permit application;  
and

b) all terms and conditions of the Permit.

4.5 Any Person who employs or operates a Vehicle, or other equipment in connection with any activity involving access to or from a Property, whether for construction, development, or any other purpose, shall immediately remove any material that falls from or is tracked, deposited, or otherwise transferred onto a Road Allowance as a result of the operation of such Vehicles or equipment.

## **5. Maintenance**

5.1 Every Owner of Property shall maintain all Boulevards abutting their Property in a clean, tidy, and well-kept condition. Without limiting the generality of the foregoing, such maintenance shall include:

a) removing accumulations of discarded waste, debris, objects, and materials;

b) cutting or trimming grass and weeds to ensure they do not exceed a height of twenty (20) centimetres; and

c) keeping fire hydrants clear, visible, and free from any obstruction at all times.

5.2 Every Private Entrance located within a Road Allowance shall be maintained in a good state of repair by the Owner of the abutting Property, at their sole expense, in accordance with the standards established by the Municipality.

## **6. Exemptions and Permitted Activities**

6.1 Notwithstanding any other provision of this By-law, an Owner of land abutting a Road Allowance may, plant flowers or vegetables within the Boulevard, provided such plantings do not exceed (30) centimetres in height. It is expressly provided that any planting is at the risk of the Person doing the planting, and the planting may be removed at any time by the Municipality, acting reasonably, without compensation to any other party and without any requirement to restore.

- 6.2 An Owner may discharge sump pump water into the municipal stormwater system or rural ditches, provided that, in the opinion of the Deputy CAO, such discharge does not interfere with the use or function of any Infrastructure, or any other part of the Road Allowance.
- 6.3 An Owner may request that the Municipality plant a tree within the Boulevard abutting their Property. Such requests will be reviewed by the Deputy CAO and, if in the sole discretion of the Deputy CAO it is deemed appropriate and subject to available budget, a suitable tree species will be planted by the Municipality.
- 6.4 An Owner may submit a written request to the Municipality for the removal, replacement, or pruning of a tree located within the Boulevard abutting their Property. Trees that are in good health, as determined by a Certified Arborist engaged by the Municipality, shall not be removed. Pruning will be carried out only if deemed necessary by the Certified Arborist to maintain tree health, safety, or compliance with visibility and clearance standards.
- 6.5 Notwithstanding Sections 4.1 and 4.2, no Permit is required within registered plans of subdivision where Road Allowances have not yet been assumed by the Municipality under Section 31(4) of the Municipal Act, 2001, for:
- a) the construction of a Private Entrance;
  - b) a Private Entrance expansion; or
  - c) work and/or construction related activities;

provided such activities are carried out in accordance with the drawings, plans, and specifications approved by the Municipality in connection with the registration of the plan of subdivision.

- 6.6 Works to construct, modify, or expand a Private Entrance may be carried out provided that a valid Private Entrance Permit has been issued by the Deputy CAO in accordance with Schedule 'A' of this By-law.
- 6.7 Occupancy and/or works may be carried out under, upon, or over a Road Allowance provided that a valid Road Occupancy Permit has been issued by the Deputy CAO in accordance with Schedule 'B' of this By-law.

- 6.8 Use of a Road Allowance is permitted where authorized under a statute, by Council through a by-law, resolution, or agreement, or in writing by the Chief of Police or the Deputy CAO.
- 6.9 The provisions of this By-law shall not apply to the Municipality in the execution of normal municipal operations or Municipality-authorized Infrastructure projects and improvements. Notwithstanding this exemption, all authorized agents and contractors undertaking such work shall obtain a valid Road Occupancy Permit prior to the commencement of any activity.
- 6.10 This By-law shall not be interpreted as restricting or prohibiting:
- a) the placement or erection of signs in compliance with the Municipality's Sign By-law, and Election Sign By-law;
  - b) the presence of tall grasses, weeds, bulrushes, or similar vegetation in rural ditches, provided they do not interfere with Road drainage or sightlines;
  - c) the temporary placement of refuse or recycling for collection in accordance with the Regional Municipality of Durham Waste Management By-law or Resource Recovery and Circular Economy Act, 2016, S.O. 2016, c. 12, Sched. 1, O. Reg. 391/21: BLUE BOX; or
  - d) the placement of fixtures in locations approved by the Deputy CAO.

## **7. Liability**

- 7.1 Any Permit conferred under this By-law shall be made subject to the condition that each Person who exercises a right to use a Road Allowance in the manner provided is liable to any Person who consequently suffers injury or loss and shall indemnify the Municipality from all such claims and actions.

## **8. Delegation**

- 8.1 The staff members identified in the Delegation of Authority By-law are authorized to approve all policies, procedures, forms, licenses, permits, and other documents and to make such decisions and approvals, and to exercise such discretion on behalf of the Municipality as necessary to administer this By-law.

## 9. Permits

- 9.1 Only an Owner, or an agent authorized by the Owner, that is 18 years of age or older, is eligible to apply to the Municipality for a Private Entrance, or Road Occupancy Permit.
- 9.2 An Applicant for a Permit under this By-law is subject to the fees contained in the User Fee By-law. The Deputy CAO is authorized to waive the fees if, in their sole discretion, it is appropriate and in the public interest to do so.
- 9.3 In addition to any other requirements of this By-law, the Deputy CAO may require an Applicant to submit, as part of an Application, any information or materials reasonably necessary to evaluate the Application. Such requirements may include, but are not limited to:
- a) a completed application form, in the format prescribed by the Deputy CAO;
  - b) payment of the applicable application fee;
  - c) payment of a minimum of one (1) inspection fee;
  - d) payment of additional inspection fees, as may be determined necessary by the Deputy CAO;
  - e) where applicable, a detailed cost estimate for any proposed Private Entrance, Private Entrance expansion, or Road Occupancy, including the estimated costs of restoring the Road Allowance. Such estimate shall be subject to review and approval by the Deputy CAO;
  - f) an executed indemnity agreement, in a form approved by the Deputy CAO, indemnifying and saving harmless the Municipality from any and all actions, causes of action, suits, claims, demands, and costs arising from the actions, omissions, or negligence of the Applicant, their agents, employees, or contractors in relation to any work undertaken pursuant to the Permit or this By-law; and
  - g) proof of valid insurance in a form approved by the Deputy CAO.

9.4 For greater clarity, the Deputy CAO shall refuse any Application in any of the following circumstances:

- a) the Application is incomplete or fails to include any required information, documentation, or fees as set out in Section 9.3, Schedule 'A', or Schedule 'B';
- b) the proposed work does not comply with applicable municipal standards, policies, or engineering requirements;
- c) the proposed location or design of the Private Entrance, Private Entrance expansion, or Road Occupancy poses a risk to public safety, or interferes with Infrastructure, maintenance or traffic operations;
- d) the Applicant has outstanding fees, charges, or penalties owing to the Municipality related to previous permits or enforcement actions;
- e) the proposed work would contravene any applicable provincial legislation, regulation, or environmental requirement;
- f) the Deputy CAO determines, in their sole discretion, that the proposed work is not in the public interest or may result in undue harm to municipal property or operations; or
- g) the Applicant fails to satisfy any of the applicable terms or conditions set out in Schedule 'A' or 'B' of this By-law.

9.5 The Deputy CAO has the discretion to revoke a Permit in circumstances in which they deem it to be appropriate, including but not limited to:

- a) a Permit obtained on mistaken, false or incorrect information;
- b) a Permit issued in error;
- c) a request for revocation in writing from the Applicant; or
- d) the Applicant fails to satisfy any terms or conditions of the Permit or of this by-law.

- 9.6 The Deputy CAO may attach to any Permit such terms and conditions as considered by the Deputy CAO to be necessary and appropriate.

## **10. Removal of Obstructions**

- 10.1 The Deputy CAO or an Officer is authorized to remove, impound, restrain, immobilize, or cause the removal, impoundment, restraint, or immobilization of any structure, object, or Vehicle that is placed, stopped, standing, or parked on a Road Allowance under the Municipality's jurisdiction in contravention of this By-law.
- 10.2 Subject to subsections 10.3 and 10.4, all costs and charges associated with the removal, care, and storage of any object or Vehicle under this By-law shall constitute a lien upon the object or Vehicle, which may be enforced by the Municipality in accordance with the Repair and Storage Liens Act, R.S.O. 1990, c. R.24, as amended.
- 10.3 Any object or Vehicle removed under this By-law shall be stored by the Municipality for a minimum period of sixty (60) days. During this period, the Owner may redeem the object or Vehicle by:
- a) producing appropriate identification;
  - b) signing an acknowledgment and release in the form required by the Municipality; and
  - c) paying all applicable fees and charges as set out in the Municipality of Clarington's User Fees By-law, including a fee for manual removal, removal requiring special equipment, plus the cost of such equipment, and a daily storage fee or portion thereof.
- 10.4 Any object or Vehicle removed and stored under subsection 10.3 that is not claimed within sixty (60) days shall become the property of the Municipality and may be sold, disposed of, or donated to a charitable organization.

## **11. Enforcement**

- 11.1 The Deputy CAO and any Officer appointed by the Municipality are authorized to

enforce this By-law and may take any action necessary to ensure compliance, including issuing an order or directing remedial work.

- 11.2 Where an Officer has reasonable grounds to believe that an offence has been committed, they may require the name, address, and proof of identity of the Person, and the Person shall provide the requested information.
- 11.3 Where an Officer has reasonable grounds to believe that a Person has contravened this By-law, the Officer may direct the Person to comply, and the Person shall do so without delay.
- 11.4 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes an order under this section is guilty of an offence.
- 11.5 An order may be served by:
  - a) personal delivery to the individual to whom it is directed;
  - b) regular mail or registered mail to the last known address of the Person;
  - c) placarding the order at the relevant Property.
- 11.6 If an order is served personally or by placarding, service is deemed effective on the date of delivery or posting.
- 11.7 If an order is served via regular or registered mail service is deemed to have occurred (3) business days after the day it was sent.
- 11.8 No Person shall fail to comply with an order issued under this By-law.
- 11.9 Where a violation has occurred, the Owner of the land abutting the affected Road Allowance shall remove any obstruction, object, or thing and restore the Road Allowance and adjacent land to its original condition, to the satisfaction of the Municipality.

- 11.10 If a Person is directed or required by the Municipality to do a matter or thing pursuant to the authority of this By-law, in default of it being done by the Person directed or required to do it, the matter or thing shall be done at the Person's Expense and all associated costs may be added to the tax roll and collected in the same manner as municipal taxes.
- 11.11 The Municipality may, at any time and without prior notice, compensation, or the issuance of an order, take any action necessary to correct or remedy a violation of this By-law, including but not limited to the removal, repair, or restoration of any work, structure, or condition carried out in contravention of this By-law. Where any damage or alteration to Municipal Property has occurred, the Owner of the directly adjacent Property is presumed to have undertaken, caused, or permitted the damage or alteration to occur, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 11.12 Where the Municipality undertakes any corrective work under Section 11.11:
- a) any structure, object, material removed may be destroyed or disposed of without notice or compensation; and
  - b) the Permit Holder, Owner, or any other Person deemed responsible shall be charged a fee equivalent to all associated costs, including administrative fees and interest. These costs, as determined by the Deputy CAO, shall constitute a charge under the Municipal Act, 2001 and may be added to the tax roll of the responsible party's Property.

## **12. Powers of Entry**

- 12.1 An Officer, whether alone or accompanied by an individual possessing special or expert knowledge or skills, may enter on land that is subject to this By-law at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this By-law;
  - b) a direction or Order of the Municipality made under the Municipal Act, 2001, S.O. 2001, c. 25 or this By-law; or

- c) an Order made under section 431 of the Municipal Act, 2001, S.O. 2001, c. 25.

12.2 For the purposes of an inspection under this By-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

12.3 In addition to any other provision of this By-law, and subject to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, a provincial judge or justice of the peace may issue an Order authorizing the Municipality to enter on land, including a room or place actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;
- b) a direction or Order of the Municipality made under the Municipal Act, 2001, S.O. 2001, c. 25 or this By-law; or
- c) an Order made under section 431 of the Municipal Act, 2001, S.O. 2001, c. 25.

## **13. Obstruction**

13.1 No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

## **14. Offences and Penalties**

- 14.1 Every Person who contravenes a provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 14.2 Pursuant to the authority established in section 429(2) of the Municipal Act, 2001, S.O. 2001, c. 25, every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, shall be subject to the following penalties:
- a) Upon a first conviction is liable to a fine of not more than \$25,000; and
  - b) Upon subsequent conviction(s) is liable to a fine of not more than \$100,000.
- 14.3 Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25.
- 14.4 If any Person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 14.5 Where any Person contravenes any provision of this By-law, such Person shall be responsible for all costs incurred by the Municipality directly related to the contravention.

## **15. Severability**

- 15.1 If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

## **16. Conflict**

- 16.1 In the event of a conflict between any provision of this By-law and any other by-law of the Municipality, the provision that is the most restrictive prevails.

## **17. Schedules**

- 17.1 The following Schedules are attached to, and form an integral part of, this By-law:

Schedule 'A' – Private Entrance Permits

Schedule 'B' – Road Occupancy Permits

Schedule 'C' – Set Fines

## **18. Short Title**

- 18.1 The By-law may be referred to as the “Use of Roads and Boulevards By-law”.

## **19. Repeal**

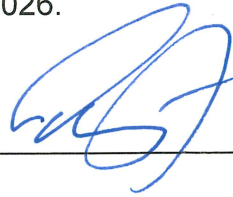
- 19.1 The following by-laws are hereby repealed, effective the date of passing of this by-law:
- By-law 2013-066, a by-law regulating the use of boulevards;
  - Amending By-laws 2015-013, 2016-037, and 2021-076, amending by-laws regulating the use of boulevards;
  - By-law 2014-022, a by-law regulating temporary road occupancy;
  - Amending By-law 2021-075, amending by-law regulating temporary road occupancy;
  - By-law 2006-105, a by-law regulating the construction of driveway entrances upon the highways under the jurisdiction of the Municipality of Clarington;

- Amending By-laws 2013-070, and 2015-040, amending by-laws regulating the construction of driveway entrances upon the highways under the jurisdiction of the Municipality of Clarington.

## 20. Effective Date

That this By-law shall come into force and effect on the date it is enacted.

Passed in Open Council this 23<sup>rd</sup> day of March, 2026.



Adrian Foster, Mayor



June Gallagher, Municipal Clerk

By signing this by-law on March 23, 2026, Mayor Adrian Foster will not exercise the power to veto this by-law and this by-law is deemed passed as of this date.

## **Schedule 'A'**

### **Private Entrance Permits**

#### **Permit Requirements and Application**

1. A Permit may be issued by the Deputy CAO for the construction or expansion of a Private Entrance, subject to:
  - a) Conditions set out in this Schedule; and
  - b) Any additional conditions imposed by the Deputy CAO.
2. All Persons requiring an entrance to their property from a Road Allowance must obtain a Permit from the Municipality.
3. All Persons requiring a curb or sidewalk modification to complete a Private Entrance expansion must obtain a Permit from the Municipality.
4. All Applications for the creation or alteration of a Private Entrance shall be processed in accordance with the Municipality's Policy for Entrances.

#### **Permit Prerequisites for Building Approval**

5. An approved Private Entrance Permit shall be obtained prior to the issuance of a building permit for:
  - a) Changing a temporary entrance to a permanent entrance;
  - b) Construction of a structure on vacant land;

Schedule 'A' to  
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- c) Entrance to vacant land where no entrance exists;
- d) Change from any existing use to any other use;
- e) Relocation of an existing entrance to a new location; or
- f) Expansion of an existing entrance to suit renovations or new construction.

### **Fees and Responsibilities**

- 6. An Applicant for a Permit under this By-law is subject to the application fees contained in the User Fee By-law.
- 7. All work related to an entrance to access a Road Allowance, including installation of culverts, catch basins, curb/gutter replacement, sidewalk replacement, utility relocation, tree removal, and other associated works shall be carried out by the Municipality and paid for by the Applicant.
- 8. Notwithstanding section 7, the Deputy CAO may authorize installation by an approved contractor, provided:
  - a) A Private Entrance Permit has been obtained; and
  - b) Inspection and administration fees have been paid, as outlined in the User Fee By-law.
- 9. For rural entrances:
  - a) The Applicant shall pay construction costs as outlined in the User Fee By-law.
  - b) If more than fifteen (15) cubic metres of fill or granular material is required, the Applicant shall remit an additional amount determined by the Deputy CAO.

Schedule 'A' to  
By-law 2026-020  
Use of Roads and Boulevards By-law

## **Maintenance**

10. The Municipality shall maintain and replace sidewalk and curb as required and restore adjacent Private Entrances in kind whenever possible.
11. Maintenance and/or repair of the Private Entrance shall be the responsibility of the property owner, as per Section 5.2 of this By-law.
12. The Municipality shall maintain and replace culverts installed under this By-law; Private Entrance maintenance remains the property owner's responsibility.

## **Criteria for Alteration of Existing Private Entrances**

13. All Private Entrances must meet or exceed the following minimum criteria:
  - a) Does not create a hazard to pedestrians or vehicular traffic, as determined by the Municipality;
  - b) must maintain compliance with minimum Soft Landscaping requirements established in the Zoning By-law;
  - c) Must be constructed with durable materials such as asphalt, concrete, interlocking brick or block, crushed stone, or gravel. Pea gravel and river rock are not permitted;
  - d) Driveway depression width does not exceed six (6) metres (measured curb taper to curb taper);
  - e) Minimum distance between Private Entrances is seven (7) metres (or two (2) metres if existing condition is less);
  - f) Complies with visibility triangle requirements contained in the Zoning By-law;

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- g) Not within one (1) metre of property line projection to curb/road edge;
- h) Not within two (2) metres of a municipal tree trunk, or one (1) metre of any utility or traffic sign;
- i) Not within three (3) metres of a fire hydrant or hydro transformer; and
- j) Not within one (1) metre of a transit stop with a concrete pad, or three (3) metres without a pad.

### **Expansion Without a Permit**

14. An Owner may expand the width of an existing, approved Private Entrance within the Boulevard without a Permit, provided:
- a) There is no modification to the existing curb depression;
  - b) The expansion is constructed with durable materials such as asphalt, concrete, interlocking brick or block, crushed stone, or gravel. Pea gravel and river rock are not permitted;
  - c) It does not create a hazard for pedestrians or vehicular traffic;
  - d) It does not extend more than thirty (30) centimetres below grade or interfere with Infrastructure/utilities;
  - e) It matches the grade of sidewalk, Private Entrance, curb, and road;
  - f) It does not extend more than thirty (30) centimetres beyond curb depression or thirty (30) centimetres on either side where no curb exists;

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- g) It must maintain compliance with minimum Soft Landscaping requirements established in the Zoning By-law;
  - h) There is no culvert extension required;
  - i) The slope from entrance edge to ditch bottom does not exceed 2:1;
  - j) It is not within two (2) metres of a municipal tree trunk, one (1) metre of any utility or traffic sign;
  - k) It is not within three (3) metres of a fire hydrant or hydro transformer; and
  - l) It is not within one (1) metre of a transit stop with a concrete pad, or three (3) metres without a pad.
15. It is expressly provided that any work described in section 14. of this Schedule is at the risk of the Person doing the work, and the work may be removed at any time by the Municipality, acting reasonably, without compensation to any other party and without any requirement to restore the work.

## **Schedule 'B'**

# **Road Occupancy Permits**

### **Permit Requirements and Application**

1. A Road Occupancy Permit is required for any activity in, over, or under a Road Allowance as defined by this By-law.
2. Any person seeking a permit to construct or demolish a building, in whole or in part, where the proposed work involves construction activity occurring in, over, or under a Road Allowance, must obtain a Road Occupancy Permit from the Municipality prior to commencing any such activity.
3. Applications must be submitted on forms prescribed by the Deputy CAO, by the person or company listed on their insurance documentation, and no less than ten (10) business days prior to occupancy. Late Applications may not be processed.

### **Required Documentation**

4. Each Application must include:
  - a) A traffic control plan covering all vehicular, pedestrian, and cyclist movements within the work area;
  - b) Proposed date(s) and time(s) of occupancy;
  - c) Proof of valid insurance (Two Million Dollars (\$2,000,000) commercial general liability, listing the Municipality as additional insured);
  - d) Pre-construction photographs showing existing conditions of all municipal assets in the work zone;

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- e) Applicant contact information;
- f) Any additional information as required by the Deputy CAO.

### **Fees and Security Deposits**

- 5. An Applicant for a Permit under this By-law is subject to the application fees contained in the User Fee By-law.
- 6. A security deposit, in an amount determined by the Deputy CAO, may be required as a condition of obtaining a Road Occupancy Permit. The security shall be sufficient to cover the full cost of repairing any damage to the Road Allowance, including but not limited to curbs, sidewalks, boulevards, and other municipal infrastructure, arising from the permitted work. The security deposit will be refunded following a satisfactory inspection confirming that no damage has occurred or that any required repairs have been completed to the Municipality's satisfaction.

### **Standard Permit Conditions**

- 7. All permits shall include the following conditions (plus any others required by the Deputy CAO):
  - a) Permit must be displayed on-site in a visible but unobtrusive location; Compliance with all applicable laws and with Ontario Traffic Manual Book 7;
  - b) Notification (in writing and delivered by hand or mailed) to all potentially affected property owners/occupiers at least ten (10) business days in advance;
  - c) No equipment may obstruct signs, signals, or overhead Infrastructure; Permit holder indemnifies the Municipality and its personnel against all

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claims, liabilities, losses, or costs;

- d) Work area must be kept clean and sanitary;
- e) Debris must be removed from the work zone and adjacent properties prior to permit expiry;
- f) No bins or dumpsters to be stored on the Road without prior approval;
- g) No equipment or materials within three (3) metres of a fire hydrant;
- h) No storage on the road between 7:00 p.m. and 7:00 a.m. without approval;
- i) Sidewalks must remain clean, clear, and accessible at all times;
- j) No material/equipment on or over the Sidewalk; and
- k) Boulevard storage is permitted (24/7) provided it does not create hazards or obstruct utilities, mailboxes, hydrants, or sight lines.

### **Traffic & Access Control**

- 8. The Deputy CAO may temporarily close parts of a Highway to vehicular or pedestrian traffic and erect barricades or other control measures to ensure public safety.

### **Insurance Requirements**

- 9. General liability insurance of minimum of Two Million Dollars (\$2,000,000) per occurrence, naming the Municipality as additional insured, is mandatory for the permit duration.

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10. If required, additional automobile liability or specialized coverage (e.g., premises, products/completed operations, cross-liability, employees as additional insured, non-owned automobile) must be provided.
11. Insurance must include a minimum thirty (30) days' written notice of cancellation or change.
12. The Director of Finance may adjust required coverage limits as necessary.

**Non-Transferability & Single-Use**

13. Permits are non-transferable and do not guarantee approval for any future or separate occupancy activities.

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## **Schedule 'C'**

### **Set Fines**

**Municipality of Clarington**  
**PART I Provincial Offences Act**  
**By-law 2026-020: Use of Roads and Boulevards By-law**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision creating or defining Offence</b>	<b>Column 3 Set Fine</b>
1	Construct, install, expand, or alter Private Entrance without Permit	s. 4.1	\$ 500.00
2	Cause or permit Road Occupancy without a Permit	s. 4.2	\$ 500.00
3	Install, construct, or maintain object or structure on Road Allowance	s. 4.3 a)	\$ 500.00
4	Install drainage, irrigation, wiring, fixtures, or artificial turf on Road Allowance	s. 4.3 b)	\$ 500.00
5	Deposit dirt, debris, leaves, snow, or refuse on Road Allowance	s. 4.3 c)	\$ 500.00
6	Permit vegetation to grow or encroach on road allowance	s. 4.3 d)	\$ 500.00
7	Remove, cut, trim, damage, or destroy tree on Road Allowance	s. 4.3 e)	\$ 500.00
8	Damage or destroy curb or sidewalk on Road Allowance	s. 4.3 f)	\$ 500.00
9	Deposit or spill oils, chemicals, or toxic substances on Road Allowance	s. 4.3 g)	\$ 500.00
10	Damage freshly poured concrete before opened for public use	s. 4.3 h)	\$ 500.00
11	Enter an area of a Road Allowance closed to the public	s. 4.3 i)	\$ 250.00
12	Remove, damage, or interfere with barricade, sign, or traffic device	s. 4.3 j)	\$ 250.00
13	Alter ditch or drainage course within Road Allowance	s. 4.3 k)	\$ 500.00
14	Cause or permit silt or sediment to migrate onto Road Allowance	s. 4.3 l)	\$ 500.00
15	Interfere with installation, repair, or maintenance of municipal Infrastructure	s. 4.3 m)	\$ 300.00
16	Fail to comply with permit terms and conditions	s. 4.4 b)	\$ 500.00
17	Fail to remove material dropped or tracked onto Road Allowance	s. 4.5	\$ 500.00
18	Fail to maintain Boulevard in a clean and tidy condition	s. 5.1	\$ 250.00
19	Fail to comply with an order	s. 11.8	\$ 500.00

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision creating or defining Offence</b>	<b>Column 3 Set Fine</b>
20	Hinder or obstruct Officer/employee/agent of Municipality	s. 13.1	\$ 500.00

“NOTE: The general penalty provision for the offences listed above is section 14.1 of By-law 2026-020, a certified copy of which has been filed.”