

**VILLAGE OF SALISBURY  
BY-LAW AMENDMENT NO. 33-3**

**A BY-LAW RESPECTING DRIVEWAY CULVERTS & ENTRANCES**

**BE IT ENACTED** by the Council of the Village of Salisbury, under authority vested in it by Section 7.1 of the *Municipalities Act, R.S.N.B. 1973, C. M-22* and amendments thereto, Village of Salisbury By-Law 33-3, a By-Law respecting driveway culverts & entrances as follows:

By-Law No. 33-2, a By-Law Respecting Installation of Crossways, is repealed in its entirety and replaced by the following:

**Definitions:**

In this By-Law, unless the context otherwise requires

**“Commercial/Industrial/Institutional Entrance”**

Provide access to a business where goods or services are manufactured or sold to the public and include as well, facilities of three or more units.

**“Commercial Establishment”**

Includes any shop, restaurant, office, industry, institution, business establishment, and multiple unit dwelling with three or more units.

**“Culvert”**

Any structure, not classified as a bridge, and/or drainage system which provides an opening for the passage of water under any roadway or driveway.

**“Pedestrian Entrance”**

Provide access for the sole use of pedestrians including access to Canada Post Community Mail Boxes.

**“Public Entrance”**

Provide access onto a Village of Salisbury road from a registered subdivision by means of a public road or street.

**“Residential Entrance”**

Provide access from a residential property of three units or less to a Village of Salisbury public road or street.

**“Residential Property”**

Means all single and two unit dwellings, individual townhouse units, semi-detached dwellings and multiple unit dwellings containing three or more dwelling units.

**“Temporary Entrance”**

Provides access to properties for a limited time not to exceed one year for the purpose of woods work, construction, repairs or improvements on the property.

2. This By-Law applies to the installation, replacement, repair, or extension of any driveway culvert within the right-of-ways of the Village of Salisbury.
3. No installations shall take place during the period of December 1<sup>st</sup> to May 1<sup>st</sup> unless approved by the Manager of Works and Maintenance or his delegate.
4. No person shall fill a ditch, nor do any act that may cause such ditch to become filled without the written approval of the Works and Maintenance Department. Any person found filling in a ditch without prior approval shall pay for the reinstatement of the ditch and removal of all materials by the Village of Salisbury or a contractor hired by the Village of Salisbury.
5. The Village of Salisbury shall be responsible to maintain all driveway and entrance culverts dealing with pedestrian entrances (excluding Canada Post community mail boxes), public entrances, residential entrances to residential properties and commercial/industrial/institutional entrances to commercial establishments, provided that the total structure length of the existing installation does not exceed the limits stipulated in Section 15.
6. No person or company, except the Village of Salisbury or its designate, shall install, replace, repair or extend any driveway culvert upon or under any lands within the right-of-ways within the Village of Salisbury.
7. The Village of Salisbury will not be responsible for the culvert if any alterations are made to the original culvert or if the culvert is damaged by the owner, tenant or any invitees onto the lands in which case the owner will be charged the cost to repair or return to original condition.
8. In the event that the Village of Salisbury has contracted scheduled or unscheduled work to be carried out to the existing roadway and regrading of the approach is required, the Village of Salisbury will regrade the existing approach and reinstate the original driveway surface for a distance required to achieve an acceptable slope to enter the approach.
9. A landowner must make application (Appendix 'A') to the Works & Maintenance Department of the Village of Salisbury to request that a driveway culvert be installed or extended. The installation or extension must comply with current municipal standards and will be completed at the landowner's expense, based on predetermined rates approved by Council from time to time (Appendix 'A').
10. A landowner must make application to the Works & Maintenance Department of the Village of Salisbury regarding a damaged or deteriorated culvert. If the Manager of Works & Maintenance or his delegate recommends repair or replacement, then the repair or replacement will be at the Village's expense, but only to the limits stipulated in Section 15. Any existing installation requiring repair or replacement, whose length exceeds the limits stipulated in Section 15, will have the costs associated with the additional length (including surface restoration, etc.) charged to the landowner, for which payment is to be received by the Village of Salisbury prior to the commencement of work.
11. In the case of a property having two or more driveways, only one culvert is maintained by the Village, namely the culvert located under the main driveway to the home or commercial establishment as indicated by the civic number or street address. In the case of a property having two or more driveways, where the resident and the Village of Salisbury disagree as to which is the main driveway, the Village of Salisbury reserves the right to make the final decision. Where more than one commercial establishment shares more than one driveway entrance, the Village of Salisbury will maintain one entrance culvert for each commercial establishment.

12. Under no circumstance will more than two driveways be permitted to a residential property.
13. Approved material for the construction of a culvert entrance shall be gasketed reinforced concrete pipe conforming to CAN/CSA A257.2, Class 65D or an approved high-density polyethylene pipe, double wall with smooth interior surface and a minimum ring stiffness of 320kPA, meeting the requirements of the latest CAN/CSA B182.6.
14. Minimum culvert diameters shall be 375mm; however, special circumstances may require culvert diameters to be sized and approved by the Village of Salisbury on a case by case basis as warranted by conditions which exist both upstream and downstream of the proposed installation.
15. Culvert lengths shall be limited to 7.32 metres (24.0 ft) for residential entrances and 14.63 metres (48.0 ft) for commercial entrances. Requests for extensions to driveway culverts must be made in writing to the Manager of Works & Maintenance of the Village of Salisbury.
16. Headwalls are the property owner's responsibility and expense entirely. If the property owner wishes to install a headwall they must ensure that the finished height does not exceed the height of the adjacent road and shoulder. The Village of Salisbury will not repair any damage done to a headwall caused by winter snow plowing when the headwall is found to exceed the height of the adjacent road and shoulder. The only case where the Village will pay for the repair or replacement of a headwall is if the headwalls were damaged by Village forces during ditching work and in this situation, the Village will repair the headwall using "like" material.
17. The property owner shall be permitted to pave the driveway using bituminous asphalt pavement up to the edge of the existing road pavement. The Village of Salisbury will not participate in the cost of this work.
18. Property owners may be allowed to use other materials such as, concrete, paver stones or patterned asphalt. If any maintenance is required on the culvert then the Village of Salisbury will not be responsible to replace the same but will replace with non patterned bituminous asphalt pavement only. If the property owner chooses to lay another material such as concrete or pavers, only after the Village of Salisbury has determined that the work has been completed will the Village of Salisbury reimburse the property owner for the cost of bituminous asphalt pavement. The property owner will be responsible to cover the extra cost over and above what the Village will reimburse. Reimbursement will be calculated on an installed price per metric tonne.
19. The replacement, alteration or enlargement of any existing driveway culvert made necessary by a scheduled public works project shall be at the Village's expense.
20. Every person who violates any provision of this By-Law will be responsible for all costs associated with the restoration of the property to its original condition. The necessary alterations will be completed by Village forces to ensure that the work is completed properly.
21. By-Law 33-2, a By-Law Respecting Installation of Crossways in the Village of Salisbury, enacted on 10 August 2009 and all amendments thereto is hereby repealed.

THIS BY-LAW COMES INTO FORCE ON THE DATE OF FINAL PASSING THEREOF:

FIRST READING:

July 3, 2012

SECOND READING:

July 3, 2012

THIRD READING AND ENACTED:

September 10, 2012

Dany Featung  
MAYOR

Pamela M. Gibson  
CLERK

