

## BY-LAW NO. 5

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

**PURPOSE:** A By-law of Salisbury, in the Province of New Brunswick, for the purpose of establishing regulations and requirements for driveway culverts and entrances;

**WHEREAS:** Section 10(1)(j) of the *Local Governance Act*, S.N.B. 2017 c.18 and amendments thereto, municipalities are permitted to regulate utilities, facilities, infrastructure and improvements on public or private property;

**WHEREAS:** The enactment of this By-law repeals the following By-law and its amendments:

By-law No. 33, *Driveway Culverts and Entrances*, Village of Salisbury

**WHEREAS:** The Town of Salisbury is responsible for driveway culverts and entrances within the geographic boundary contained in Schedule A;

**BE IT ENACTED:** by the Council of the Town of Salisbury as follows:

#### 1. TITLE

- a. This By-law will be cited as “The By-law Respecting Driveway Culverts and Entrances”.

#### 2. APPLICATION

- a. This By-law applies to a geographic area within municipal boundaries where the Town of Salisbury is responsible for culverts and driveway entrances, noted in Schedule A.
- b. This By-law applies to the installation, replacement, repair, or extension of any driveway culvert within the right-of-way of the Town of Salisbury.

#### 3. DEFINITIONS

- a. “Commercial/Industrial/Institutional Entrance” means an entrance that provides 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;
- b. “Commercial Establishment” means an establishment that includes any shop, restaurant, office, industry, institution, business establishment, and multiple unit dwelling with three or more units;
- c. “Culvert” means 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;
- d. “Pedestrian Entrance” means an entrance that provides access for the sole

- use of pedestrians including access to Canada Post Community Mail Boxes;
- e. "Public Entrance" means an entrance that provides access onto a Town of Salisbury road from a registered subdivision by means of a public road or street;
  - f. "Residential Entrance" means an entrance that provides access from a residential property of three units or less to a Town of Salisbury public road or street;
  - g. "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;
  - h. "Temporary Entrance" means an entrance that 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.

#### **4. DRIVEWAY CULVERTS AND ENTRANCES**

- a. 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 Infrastructure and Public Works, or delegate.
- b. No person shall fill a ditch, nor do any act that may cause such ditch to become filled without the written approval of the Department of Infrastructure and Public Works. 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 Town of Salisbury or a contractor hired by the Municipality.
- c. The Town of Salisbury shall be responsible to maintain all driveway and entrance culverts dealing with pedestrian entrances (excluding Canada Post community mailboxes), 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 4(m).
- d. No person or company, except the Town of Salisbury or its designate, shall install, replace, repair, or extend any driveway culvert upon or under any lands within the right-of-ways in "Schedule A" within the Town of Salisbury.
- e. The Town 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.
- f. In the event that the Town of Salisbury has contracted or scheduled or unscheduled work to be carried out to the existing roadway and regrading of the approach is required, the Town 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.
- g. A landowner must make application to the Infrastructure and Public Works Department of the Town of Salisbury to make request that a culvert be

- installed or extended. The installation or extension must comply with current municipal specifications and completed at the landowner expense, based on rates approved by Council from time to time (Schedule 'B').
- h. A landowner must make application to the Infrastructure & Public Works Department of the Town of Salisbury regarding a damaged or deteriorated culvert. If the Manager of Public Works & Infrastructure or their delegate recommends repair or replacement, then the repair or replacement will be at the Town's expense, but only to the limits stipulated in Section 4(m). Any existing installation requirement repair or replacement, whose length exceeds the limits stipulated in Section 4(m), 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 Town of Salisbury prior to the commencement of work.
  - i. In the case of a property having two or more driveways, only one culvert is maintained by the Town, 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 Town of Salisbury disagree as to which is the main driveway, the Town of Salisbury reserves the right to make the final decision. Where more than one commercial establishment shares more than one driveway entrance, the Town of Salisbury will maintain one entrance culvert for each commercial establishment.
  - j. Under no circumstance will more than two driveways be permitted to a residential property.
  - k. 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.
  - l. Minimum culvert diameters shall be 375mm; however, special circumstances may require culvert diameters to be sized and approved by the Town of Salisbury on a case by case basis as warranted by conditions which exist both upstream and downstream of the proposed installation.
  - m. 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 Infrastructure & Public Works Department of the Town of Salisbury. No installation, replacement, or extension shall be permitted where the total structure length exceeds 50% of the lot frontage.
  - n. Headwalls are the property owners 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 Town 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 Town will pay for the repair or replacement of a headwall is if the headwalls were damaged by Town forces during ditching work and in this situation, the Town will repair the headwall with "like" material.

- o. The property owner shall be permitted to pave the driveway using bituminous asphalt pavement up to the edge of the existing road pavement. The Town of Salisbury will not participate in the cost of this work.
- p. 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 Town 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 Town of Salisbury has determined that the work has been completed will the Town of Salisbury reimburse the property owner for the cost of bituminous asphalt pavement. The property owner shall be responsible to cover the extra cost over and above what the Town will reimburse. Reimbursement will be calculated on an installed price per metric tonne.
- q. The replacement, alternation, or enlargement of any existing driveway culvert made necessary by a scheduled public works project shall be at the Town's expense.
- r. 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 the Town forces to ensure that the work is completed properly.

## **5. EFFECTIVE DATE**

This By-law comes into effect on the date of final passing thereof.

Read a first time this \_\_\_ day of \_\_\_\_\_, 2023.

Read a second time this \_\_\_ day of \_\_\_\_\_, 2023.

Read a third time and passed by Council on this \_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

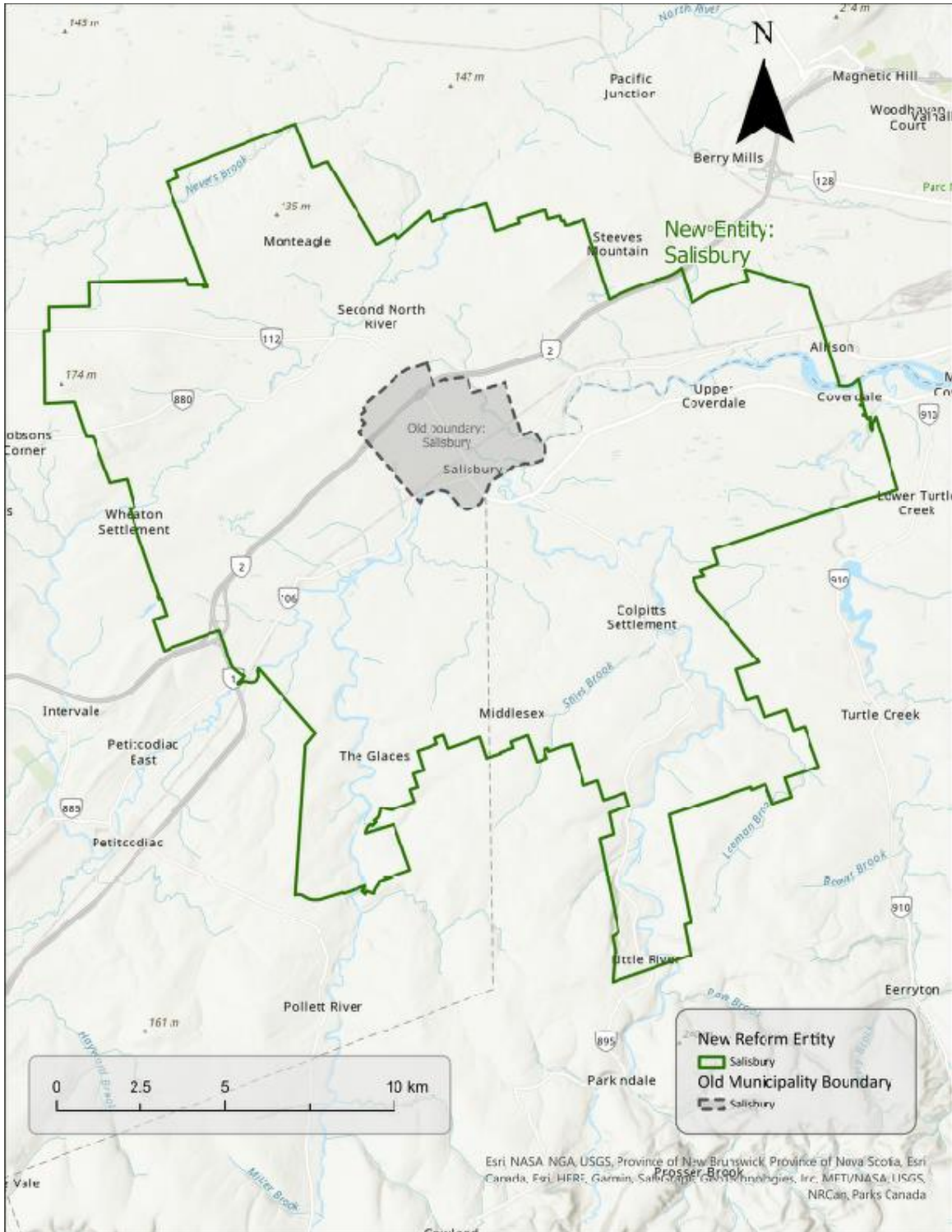
---

Clerk

# SCHEDULE A

## Geographic Area for By-law No. 5

This By-law only applies to the area noted as “Old Boundary: Salisbury”.



## SCHEDULE B

### Fees & Charges

Last Updated: March 2023

<b>SERVICES REQUIRED</b>	<b>RATE</b>
Revisions to Existing Curb, Milled	\$100.00/m
Revisions to Existing Curb, Replacement	\$200.00/m
Revision to Existing Sidewalk	\$200.00/m
Driveway Culvert - 375mm New	\$2,300.00
Driveway Culvert - 450mm New	\$2,700.00
Driveway Culvert - 600mm New	\$3,200.00
Driveway Culvert - 900mm New	\$4,700.00
Driveway Culvert - 375mm Extension	\$320.00/m
Driveway Culvert - 450mm Extension	\$375.00/m
Driveway Culvert - 600mm Extension	\$440.00/m
Driveway Culvert - 900mm Extension	\$660.00/m