

The Corporation of the Municipality of Highlands East
By-law 23-2001

"A"
2001-55

Being a By-law of the Corporation of the Municipality of Highlands East to regulate entrances onto Municipal Roads.

Whereas the Municipal Act, R.S.O., 1990 Section 314 Subsection 1 provides that Councils of all Municipalities may pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling highways and bridges.

And Whereas the Municipal Act, R.S.O. 1990 Section 314 subsection 7 provides that Councils of all municipalities may pass by-laws to provide for placing, regulating and maintaining of the public highways traffic signs for the purpose of guiding and directing traffic.

Now Therefore the Council of the Corporation of the Municipality of Highlands East hereby enacts as follows:

- 1.0 That Schedule "A" which provides for a schedule of fees; Schedule "B" which provides the requirements for signs; and Schedule "C" being an agreement for the regulation of logging operations, and attached hereto, shall form part of this by-law.
- 2.0 That for the purposes of this by-law the following words will be defined as per the definitions associated therewith:
 - 2.1 **Entrance**
Shall include a public or private road, or other structure or facility by which a vehicle may be driven or otherwise moved from a road under the jurisdiction of the Municipality of Highlands East to any lands to which the owner of the vehicle has the right or permission to travel.
 - 2.2 **Entrances Residential and Farm**
Shall mean an entrance used for the sole purpose of accessing a residential dwelling or dwellings, for accessing lands for the purpose of farming, and shall include such purposes ancillary to the residence or farm.
 - 2.3 **Entrance, Commercial and Industrial**
Shall mean an entrance used for the purpose of accessing a commercial or industrial establishment by the owners, occupiers, employees and patrons of the establishment.
 - 2.4 **Entrance, Logging**
Shall mean an entrance which has been constructed or which may be used for a temporary period for the purpose of the removal of logs.
 - 2.5 **Road**
Shall mean a road which is under the jurisdiction of the Municipality of Highlands East and which is open to use by the public

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2.6 Road Superintendent

Shall mean that person appointed by the Municipality of Highlands East who is responsible for the care and maintenance of all roads under the jurisdiction of the Municipality of Highlands East.

3.0 Entrance Application and Permit

3.1 The Municipality of Highlands East shall establish forms for the application and permit for the construction of an entrance.

3.2 Any person wishing to construct an entrance shall complete an application on the prescribed form, and shall submit the completed application together with any other required information and the appropriate fee to the Municipality of Highlands East.

3.3 No person shall construct an entrance without first obtaining a permit for the construction of the entrance from the Municipality of Highlands East.

3.4 No person shall use an entrance for any purpose other than for which the permit was issued, other than otherwise provided herein.

3.5 No person shall use an existing residential and farm entrance or an existing commercial and industrial entrance for the removal of logs unless such logging entrance permit has been issued by the Municipality of Highlands East for the use of such existing entrance for an identified period of time for logging purposes.

3.6 All persons submitting an application for the construction of a Logging Entrance, or submitting an application for the temporary use of an existing entrance for logging purposes shall be required to enter into an agreement with the Municipality of Highlands East, which shall form part of the Logging Entrance Permit, and which will be effective during the term of the logging operation.

3.7 The Road Superintendent shall, prior to the issuance of an entrance permit, inspect the lands subject to an entrance application.

3.8 The Road Superintendent may affix any conditions to an entrance permit which in his opinion shall serve to prevent the construction or usage of the entrance from:

- a. Interference with or causing a potential harm to the travelling public along the road;
- b. Interference with the regular or routine maintenance of the road; or
- c. Causing a harm or potential harm to the road.

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4.0 Culverts/Drains:

4.1 Any culvert or drain installed during the construction of an entrance shall be of such size and placement as determined by the Road Superintendent.

4.2 Any culvert or drains installed during the construction of a permanent entrance, shall upon approval of the installation by the Road Superintendent, become the property of the *owner* ~~Municipality of Highlands East~~, and any maintenance or subsequent replacement of this culvert remains the responsibility of the ~~Municipality of Highlands East~~. *owner*

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5.0 Penalties and Offences

5.1 Every person who contravenes the provisions of this by-law is guilty of an offence, and subject to prosecution in accordance with the Provincial Offences Act.

This By-Law shall come into effect upon the date of enactment.

Read a first, second and third time, passed, signed and the Corporate Seal attached, this 13th day of February, 2001.

Neil G. Johnson
Reeve

Sharon K. Craig
Clerk

The Corporation of the Municipality of Highlands East

**Schedule "B"
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Posted Signs:

1. All signs shall be not less than 0.5 meters in height and not less than 0.5 meters in width.
2. All signs shall include Black lettering contrasted with a brightly coloured fluorescent background.
3. All signs shall be located so as not to obstruct the view while still remaining highly visible to the travelling public.
4. Caution signs shall clearly state, " CAUTION LOG TRUCKS TURNING".
5. Caution signs shall be so located that they are not less than 100 meters and not greater than 200 meters on each side of the logging entrance.
6. Danger signs shall clearly state, " DANGER LOGGING OPERATIONS".
7. Danger signs shall be located at the logging entrance.
8. All signs shall include in print smaller than the principal message, the name and telephone number of the logging contractor.
9. No other information shall be posted or written on the signs as herein stated.

The Corporation of the Municipality of Highlands East

Schedule "C"

**To
By-law 23-2001**

AGREEMENT FOR THE REGULATION OF LOGGING OPERATIONS

**BETWEEN: THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST
(hereinafter referred to as the Municipality)**

OF THE FIRST PART

**AND: _____
(hereinafter referred to as the " Logger")**

OF THE SECOND PART

The entire terms of this Agreement are as follows:

1. " Logging Operation" shall mean the hauling, trucking, skidding, road building and any other such activity normally associated with the cutting and removal of logs.
2. " Road Superintendent" shall mean that person appointed by the Municipality who is responsible for the care and maintenance of all roads under the jurisdiction of the Municipality.
3. The Logger at his own expense shall erect such signs and in such a manner as prescribed by the Municipality.
4. The Logger agrees not to modify any existing road over Municipal lands without the written consent of the Municipality and agrees that any such modifications shall be carried out in accordance with those specifications to be established by the Municipality .
5. The Logger shall cease all hauling activities immediately upon written request by the Municipality at any time the logging operations could, in the opinion of the Road Superintendent, result in damage to any road under the jurisdiction of the Municipality .

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6. The Logger agrees to restore any lands to a state consistent to that prior to the commencement of the logging operations, which provided a temporary entrance for the purpose of the logging operations; or conversely, conduct any repairs to an existing entrance that was used during the logging operations and the said rehabilitation or repairs shall be completed to the satisfaction of the Municipality. The Road Superintendent shall conduct an inspection of the lands subject to the required entrance prior to and upon completion of the logging operation.
7. The Logger agrees that he shall not remove any trees on any lands owned or under the care and responsibility of the Municipality, without the express written consent of the Municipality, and in the event such written consent is provided to the Logger, he shall compensate the Municipality for those trees cut by the Logger and at such current market prices established by the Municipality .
8. The Logger agrees that during the term of this agreement, to obtain and keep in force a general liability insurance policy of not less than the amount of \$ 1, 000,000 and shall submit proof of this policy to the Municipality prior to the execution of this agreement.
9. The Logger agrees to indemnify and save harmless the Municipality from all claims whatsoever that may be taken against him for any loss, damage, or injury including death arising out of any act, neglect or omission of the Logger or his employees.
10. Prior to the execution of this agreement, the Logger agrees to deposit with the Municipality the amount of \$500.00 to secure the due performance by the Logger of this agreement, and the Municipality agrees to return the deposit without interest or deduction upon the due performance of the Logger in accordance with the terms of this agreement.
11. The Logger shall not skid or locate any landings for the handling of logs or equipment on any travelled Municipal road, and the logger shall not operate any skidder or other off-road equipment on the hard surface of any municipal road.

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12. The Logger shall not leave any tree or part thereof which has been felled by the logging operation or as a result of the logging operation, within 25 feet of the edge of any waterway, or within 25 feet of any lands under the direct control of the Municipality.
13. The Logger shall not during any logging operations cause any obstruction, destruction, or other interference, of any trail or road on any publicly owned lands, which serves to provide part of an integrated trail system which receives regular maintenance by a recognized snowmobile club for recreation purposes.
14. Failure on the part of the Logger to comply with any part of this agreement shall result in the forfeiture of all or part of the deposit and / or refusal to obtain an entrance onto a road under the jurisdiction of the Municipality for the purpose of logging operations.
15. The Logging operations subject to this agreement shall be restricted entirely to those lands comprising all or part of Lot(s) _____ Concession(s) _____, in the Municipality of Highlands East, Ward _____; and entrance to the said logging operations shall be obtained from the _____ Road being a road under the jurisdiction of the Municipality of Highlands East.
16. The Logger agrees that logging operations shall not commence prior to the _____ day of _____ 20____, and shall be concluded no later than the _____ day of _____ 20____. The Road Superintendent may upon receipt of a written request from the Logger, amend the dates as stated herein, if in the opinion of the Road Superintendent, such change in dates will not serve to otherwise affect any other requirement or condition of this agreement.
17. The Logger agrees that any and all repairs shall be conducted immediately upon the conclusion of all logging operations, unless the Municipality of Highlands East provides to the Logger in writing, permission to conduct the said repairs at such other time which shall be provided therein. The Municipality of Highlands East reserves the right to retain any deposit until such time as any and all repairs and/or restorations are completed to the satisfaction of the Municipality.
18. The Logging Agreement shall ensure to the benefit of and be binding upon the heir, executors, administrators, successors and assigns of the parties thereof.

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19. Any and all subsequent written permissions or approvals granted to the Logger by the Municipality of Highlands East shall be attached to this agreement and shall be considered a part thereof as if such permission or approval had been provided at the time of execution of this agreement.

IN WITNESS WHEREOF, the Municipality of Highlands East and the Logger have executed this Agreement this _____ day of _____, 20____.

(Witness)

Logger

THE CORPORATION OF THE
MUNICIPALITY OF HIGHLANDS EAST

(Witness)

Reeve

Clerk