

**THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR**

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**BY-LAW # 5-2006**

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A by-law to establish policies for the use of  
unopened road allowances for motor vehicle travel

WHEREAS the Township of Armour is the owner of all road allowances within its jurisdiction;

AND WHEREAS the Township of Armour, from time to time receives applications from ratepayers to use parts of original road allowances for motor vehicle passage purposes;

AND WHEREAS the purpose of this By-law is to establish policies with respect to the requirements of the Township of Armour, if Council approves of an unopened road allowance being used for vehicle purposes.

BE IT ENACTED as a By-law of the Township of Armour as follows:

1. General Policy

It is general policy of the Township of Armour that unopened road allowances shall not be used for motor vehicle travel purposes, and that any cutting down of trees or grading or removing of rocks or fill on unopened road allowances is prohibited without the express approval of Council.

2. Applications

If Council decides that an Application to use an unopened road allowance merits consideration, and approves of such use, the following are the conditions of approval;

2.1 Survey

Applicants are required to survey the road allowance to be sure that the proposed use will not encroach on adjacent lands.

2.2 Applicant's Expense

All work shall be done at the Applicant's expense. The Applicant shall file a cost estimate prior to the work taking place and file security for the value of the work.

2.3 Outline of Proposed Work

The Applicant shall prepare, and submit to Council for approval, a summary of the proposed work program including width, and care to be taken with respect to any environmentally sensitive areas.

2.4 No Assumption by the Township of Armour

Once the work is completed and motor vehicle access is possible, it is not a road which is "assumed" by the Township of Armour for public travel purposes.

2.5 Letter of Credit

The Applicant shall file a Letter of Credit (or cash) with the Township of Armour for 10% of the value of the estimated cost of the work. This is to protect the Township of Armour against construction liens.

2.6 Inspection

The Township of Armour will inspect the work only to the extent to make certain that the Applicant has followed Council's directions.

2.7 Posting of Sign

The Applicant shall be required to post signs "ROAD NOT ASSUMED BY THE TOWNSHIP OF ARMOUR, USE AT YOUR OWN RISK". If these signs are removed they shall immediately be replaced by the Applicant.

2.8 Group Application

If the Application is by a group of people who wish to make a trail along an unopened road allowance, consideration should be given to the forming of a Corporation that would be responsible for the maintenance of the road.

2.9 Insurance

The Applicant shall obtain liability insurance, with respect to the use of the road, and file a copy with the Township of Armour. The Township of Armour must be added as an insured on the policy. The insurance company must give an undertaking that the policy will not be cancelled or terminated without 30 days notice to the Township of Armour.

2.10 Waiver of Liability

The Applicant must enter into an Agreement with the Township of Armour waiving, releasing and discharging the Township of Armour of and from all claims, actions, causes of actions and damages for death, personal injury or damage to property arising out of the use of, the unopened road allowance.

2.11 Removal of Timber

Timber removed from the road allowance is the property of the Township of Armour and must be purchased from the Township of Armour. Tree tops must be removed from site.

3. Private Roads/Driveways Crossing Unopened Township Road Allowances

3.1 This policy does not prevent a private road or driveway from crossing an unopened township road allowance but no bends shall be permitted in that portion of the private road or driveway without Council approval.

3.2 All private road or driveway crossings of unopened township road allowances shall be at 90 degrees to the road allowance unless extreme mitigating circumstances require otherwise.

3.3 Maintenance of all crossings of unopened township road allowances shall be at the expense and responsibility of the owner of the private road or driveway making the crossing.

3.4 Where any part of a private road or driveway is intended to cross an unopened township road allowance and also cross Crown land, the proponents must provide written confirmation that the Province of Ontario has no objection to the road application.

4. Further Conditions

Council shall add such additional conditions as it deems necessary having regard to the circumstances and area in which the proposed work is located.

Read a first time this  
10<sup>th</sup> day of January, 2006

Read a second time this  
14<sup>th</sup> day of February, 2006

Original signed by Marty Corcoran  
REEVE

Read a third time, signed and  
the seal of the Corporation  
affixed thereto and finally  
passed in open Council  
this 14<sup>th</sup> day of February, 2006

Original signed by Wendy Whitwell  
CLERK