



**VILLAGE OF NEW MARYLAND
BY-LAW AMENDMENT NO. 61-01-2011**

A BY-LAW RESPECTING DRIVEWAY CULVERTS

BE IT ENACTED by the Council of the Village of New Maryland, 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 New Maryland By-Law 61-2011, a By-Law respecting driveway culverts as follows:

By-law No. 61-2000, A By-law Respecting Driveway Culverts, is repealed in its entirety and replaced by the following: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 five or more units.

“Commercial Establishment”

Includes any shop, restaurant, office, industry, institution, business establishment, and apartment building with five or more apartment units, rooming houses with ten or more roomers.

“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 on to a Village of New Maryland road from a registered subdivision by means of a public road or street.

“Residential Entrance”

Provide access from a residential property of 4 units or less to a Village of New Maryland public road or street.

“Residential Property”

Means all single and double housing units, individual townhouse units, condominiums, apartment buildings with not more than four apartment units and rooming houses with not more than nine roomers.

“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 New Maryland streets.
3. No inspections and/or installations shall take place during the period of December 1st to May 1st unless approved by the Public Works Supervisor 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 Public Works 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 New Maryland or a contractor hired by the Village of New Maryland.
5. The Village of New Maryland 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.
6. No person or company, except the Village of New Maryland, shall install, replace, repair or extend any driveway culvert upon or under any lands within the right-of-ways within the Village of New Maryland without prior consent of the Village.
7. The Village of New Maryland 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 New Maryland has contracted scheduled or unscheduled work to be carried out to the existing roadway and regrading of the approach is required, the Village of New Maryland 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 apply in writing to the Public Works Department of the Village of New Maryland to request that a driveway culvert be installed or extended. The installation or extension must comply with the "Specifications for Developers" document and must be completed at the landowner's expense.
10. When a call is received regarding a damaged or deteriorated culvert, the Public Works Supervisor or his delegate will be dispatched to assess the situation. If the Public Works Supervisor or his delegate recommends repair or replacement, then the repairs or replacement will be at the Village's expense.
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 New Maryland disagree as to which is the main driveway, the Village of New Maryland reserves the right to make the final decision. Where more than one commercial establishment shares more than one driveway entrance, the Village of New Maryland will maintain one entrance culvert for each commercial establishment.
12. Under no circumstances will more than two driveways be permitted to a residential property.
13. The Village of New Maryland, residents and contractors shall only use reinforced concrete pipe CSA A257.2M Minimum Class 3 with gasket joints as indicated in Division Two section 3.2.7 of the "Specification for Developers" document, or an approved high density polyethylene (HDPE) pipe for culverts.
14. Culvert diameters shall be sized and approved by the Village of New Maryland on a case by case basis and as warranted by the depth of the ditch to be crossed and the high water level of the ditch.

15. Culvert lengths shall be limited to 7.32 meters (24.0 ft.) for residential entrances and 14.63 meters (48.0 ft.) for commercial entrances. Requests for extensions to driveway culverts must be made in writing to the Public Works Department of the Village of New Maryland.
16. Headwalls are the homeowner's responsibility and expense entirely. If the homeowner wishes to install a headwall they must ensure that the finished height does not exceed the height of the shoulder. The Village of New Maryland 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' materials.
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 New Maryland will not participate in the cost of this work.
18. Homeowners 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 New Maryland will not be responsible to replace the same but will replace with non patterned bituminous asphalt only. If the homeowner chooses to lay another material such as concrete or pavers, only after the Village of New Maryland has determined that the work has been completed will the Village of New Maryland reimburse the homeowner for the cost of asphalt. The homeowner will be responsible to cover the extra cost over and above what the Village will reimburse. Reimbursement will be calculated on an 'as laid' tonnage cost.
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 comply with the "Specifications for Developers" document. The necessary alterations will be completed by Village forces to ensure that the work is completed properly.
21. By-law 61-2000, A By-law Respecting Driveway Culverts in the Village of New Maryland enacted on 20 September 2000 and all amendments thereto is hereby repealed.

READ FIRST TIME:
(by title only)

February 16, 2011

READ SECOND TIME:
(by title only)

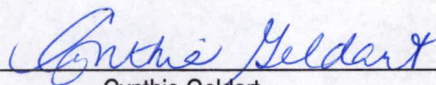
February 16, 2011

READ THIRD TIME:
(in its entirety)

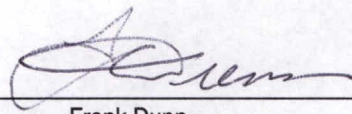
March 16, 2011

READ FOURTH TIME
AND ENACTED:

March 16, 2011


Cynthia Geldart
CAO/Clerk




Frank Dunn
Mayor