



**Municipality of the District of East Hants
By-Law No. 165
A By-Law Respecting the Regulation of Controlled Access Roads**

1 SHORT TITLE

1.1 This By-law may be cited as the "Controlled Access Roads By-Law".

2 PURPOSE

2.1 The purpose of this by-law is to promote the safe and efficient ingress and egress to specific Municipality of East Hants roads in the interest of public safety, convenience and general welfare; to protect the public investment in roads by preventing premature functional obsolescence; to reduce accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and the Municipality of East Hants; and to enhance the road appearance by making road travel more pleasant. This by-law also provides for the review and approval of proposed new points of access onto roads designated as "controlled access".

3 DEFINITIONS

3.1 In this By-Law the following words and phrases shall have the following meanings:

- (a) "Municipality" means the Municipality of the District of East Hants;
- (b) "Road" means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith, and without restricting the generality of the foregoing, includes the full right of way width of a road;
- (c) "private road" is a road that is not accepted by the Municipality as a public right of way and includes a driveway;
- (d) "controlled access road" means a street or a portion thereof listed in Schedule "A";
- (e) "Engineer" means the Director of Engineering Services and includes a person acting under his/her authority;

- (f) "Council" means the Council of the Municipality of East Hants;
- (g) "existing parcel" means any parcel of land which legally exists on the date this by-law is approved by the Municipality of East Hants.

4 DESIGNATED ROADS

- 4.1** The roads, or portions thereof, under the control of the Municipality as listed in Schedule A are hereby designated as controlled access roads where no new access will be permitted except in exceptional circumstances and only in accordance with good road access management principles.

5 PROHIBITED ACTIVITY ON SCHEDULE A ROADS

- 5.1** Where a road, or a portion thereof, or any land has been designated as a controlled access road, as listed in Schedule "A", no new public roadway or driveway connections shall be permitted except as approved by the Engineer.
- 5.2** On a road listed in Schedule A, no person shall, without a written permit from the Engineer:
 - (a) construct, use or allow the use of, any public road, private road, entrance-way or gate which or part of which is connected with or opens upon the controlled access road; or
 - (b) sell, or offer or expose for sale, any vegetables, fruit, meat, fish or other produce, or any goods, wares or merchandise upon or within forty-five meters of the limit of the controlled access road.

6 EXEMPTION FOR PUBLIC UTILITIES

- 6.1** This by-law shall not apply to Municipal vehicles or public utility vehicles while actively engaged in maintenance and repair work on Municipal roads or utility appurtenances included therein, or to emergency vehicles.

7 CLOSURE OF PRIVATE ROAD OR GATE

- 7.1** The Engineer may at any time block access to a private road, entrance-way or gate that has been constructed, opened or used in violation of this by-law and, for the purpose, may enter by himself, his servants and agents, if necessary, into and upon any land or part thereof to remedy.
- 7.2** The Engineer may seek to recover the costs associated with remedying a violation of this by-law from the person or corporation in violation.

8 EXISTING POINTS OF ACCESS

- 8.1** All existing points of access approved by the Municipality and/or Nova Scotia Transportation and Infrastructure Renewal as of the date of approval of this by-law may be continued after the implementation of this by-law. However, if the use of an established point of access is discontinued for a period of one year, the Engineer may revoke the access privilege or require alterations or changes to achieve compliance with this by-law.
- 8.2** In the interest of public health, safety and general welfare, the Engineer may revoke an access permit or may require modifications to remedy a problem situation.

9 REVOCATION OF PERMITS

- 9.1** The Engineer may cancel, revoke or suspend any permit where there is a violation of this by-law, any order made pursuant to this by-law and any condition of any permit issued under the authority of this by-law.
- 9.2** Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion by the Engineer may appeal to Council.
- 9.3** All appeals shall be in writing, in the form of a notice, and filed with the Municipal Clerk within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.
- 9.4** Council shall hear the appeal at a time and place as it determines and may confirm the refusal or revocation by the Engineer or direct the immediate issuance or re-issuance of the permit by the Engineer subject to such conditions as Council may determine.

10 PENALTIES

- 10.1** Every person who contravenes any of the provisions of this by-law, or who fails to comply with the terms or conditions of any permit issued under the authority of this by-law is guilty of an offence and shall be liable, upon conviction, to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00).
- 10.2** In the case of a violation of this by-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Council may direct the Clerk to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice for an injunction ordering the person violating to cease the violation and the Judge may make any order that in the Judge's opinion the justice of the case requires.

Enacted: November 2, 2011



Schedule A
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Private and Public Roadway Access Prohibited:

<i>Road</i>	<i>Between</i>
Park Road, Elmsdale	From Market Drive to a point 1146 metres Southwest.