

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2026-056

A By-law to regulate entrances
onto municipal roads and Highways
in the Town of Caledon

WHEREAS the Council of the Corporation of the Town of Caledon, pursuant to the provisions of Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides a lower-tier municipality with the authority to pass by-laws under specified spheres of jurisdiction, Highways being a sphere of jurisdiction;

WHEREAS Section 27 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws in respect of a Highway if it has jurisdiction over the Highway;

WHEREAS Section 35 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of lands abutting a highway;

AND WHEREAS it is deemed necessary to establish an Entrance By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF CALEDON ENACTS AS FOLLOWS:

PART 1 – TITLE, SCOPE AND INTERPRETATION

- 1.1 The short title of this By-law is the “Entrance By-law”.
- 1.2 This By-law applies to all property within the Town of Caledon.

PART 2 – DEFINITIONS

- 2.1 For the purposes of this By-law:

“**Act**” means the *Municipal Act, 2001* S.O. 2001, c. 25, as amended;

“**Adjoining land**” means land that shares a boundary with, or is directly adjacent to, the land subject to the Permit, and includes any land that may be affected by activities carried out under the Permit;

“**Applicant**” means the Owner of a Property or agent authorized in writing to act on behalf of the Owner to apply for a Permit.

“**Commercial Entrance**” means an Entrance for lands with a commercial use;

“**Commissioner**” means the Commissioner of Engineering, Public Works and Transportation, or their designate;

“**Entrance**” means any alteration of the Highway that provides a means of access between the Highway and private property, and includes any type of Entrance defined in this By-law and any entrance established pursuant to a planning permission under the *Planning Act*, R.S.O 1990, c. P.13 or other lawful permission;

“**Farm Entrance**” means an Entrance for lands with an agricultural use;

“**Highway**” means a road or Highway as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8 under the jurisdiction of the Town of Caledon;

“**Industrial Entrance**” means an Entrance for lands with an industrial use;

“Institutional Entrance” means an Entrance for lands with an institutional use;

“Inspector” means the Commissioner of Engineering, Public Works and Transportation or their designate, or any person designated by them or by the Town to enforce this By-law;

“Modify” means to construct, enlarge, decrease, change the existing grade more than 30 centimetres, install a drainage culvert at the Entrance to a private property, but does not include paving, repaving, hard surfacing, or regular maintenance such as the addition of gravel;

“Owner” means the registered Owner(s) of a property.

“Permit” means an Entrance Permit issued by the Town of Caledon for the construction or modification of an Entrance;

“Person” means an individual, an association, a partnership, or a corporation;

“Primary Entrance” means the sole or main Entrance that is required for accessing the principal use or structures on the land;

“Public Entrance” means an Entrance that provides access onto a municipal road from a registered subdivision by means of a public road or street;

“Residential Entrance” means an Entrance for lands with a residential use;

“Secondary Entrance” means an additional Entrance that is not required for accessing the principal use or structures on the land, and that serves supplementary, accessory, or non-primary access needs;

“Temporary Entrance” means an Entrance that provides access to properties for a limited period of time not to exceed two years for the purpose of construction, repairs, or improvements on that property, or to facilitate a staged development;

“Zoning By-law” means the Town of Caledon’s Zoning By-law 2006-50, as amended or re-enacted from time to time.

PART 3 – PROHIBITIONS

- 3.1 No Person shall construct, modify, or cause or permit the construction or modification of an Entrance:
- (a) Unless exempted pursuant to Part 4 of this By-law; or
 - (b) Except in accordance with a Permit issued pursuant to this By-law.
- 3.2 No Person shall:
- (a) Contravene the terms or conditions of a Permit issued pursuant to this By-law; or
 - (b) Cause or permit the contravention of the terms or conditions of a Permit issued pursuant to this By-law.
- 3.3 No Person shall use any Entrance for any purpose that is not consistent with the permitted use of the land under the Town Zoning By-law, whether constructed pursuant to a planning application under the *Planning Act*, R.S.O. 1990, c. P.13, under this By-law or that existed prior to this By-law coming into force. Use of the Entrance for any non-permitted activity, business, or operation shall be prohibited and may result in Permit revocation, enforcement actions, and penalties as set out in this By-law.
- 3.4 No Person shall obstruct or permit the obstruction of any ditch or culvert located on, under, or adjacent to a Highway.
- 3.5 No Person shall contravene an Order issued under this By-law.

- 3.6 No Person shall remove or deface any Order that has been posted pursuant to this By-law.

PART 4 – STATUTORY NON-APPLICATION OF THE BY-LAW

- 4.1 This By-law does not apply to any Entrance constructed, modified, or used in accordance with the lawful authority of the *Planning Act*, R.S.O. 1990, c. P.13, or any other statute, regulation, or other instrument of a federal or provincial agency or ministry, where such authority expressly authorizes or permits the Entrance.
- 4.2 Nothing in this By-law shall be construed to prevent the Town, its employees, agents, or contractors from undertaking work on a municipal road or municipal property in the performance of their duties. Nor shall the Town be required to obtain a Permit for any work related to municipal projects, or for work it undertakes on behalf of other levels of government, or other public agencies.
- 5.1 The Entrance Permit Application, as adopted and amended from time to time by the Commissioner, shall be made available on the Town website and forms part of this By-law.
- 5.2 A Person wishing to construct or modify an Entrance shall submit an application in the form required, accompanied by a site plan drawing with a key location map, and payment of the applicable non-refundable fee as set out in the Town's current User Fee By-law. A site plan drawing shall be to the satisfaction of the Commissioner and shall be to scale, include property lines, existing buildings, existing parking, driveway aisle widths, and setbacks to property lines.
- 5.3 Every Person issued a Permit shall ensure the construction or modification is carried out in accordance with the terms of the Permit.
- 5.4 As a condition of issuing a Permit under this By-law, the owner or applicant may be required to provide financial security in a form and amount to be determined by the Commissioner to:
- (a) Secure the performance of any work authorized by the Permit, including construction, modification, or removal of the Entrance;
 - (b) Ensure the proper restoration of the construction area, adjoining land, including any affected municipal property to the satisfaction of the Town; and
 - (c) Secure the maintenance of any Town Highway used in connection with the Entrance, including keeping the Highway in a proper state of repair and free from debris, dust, and mud.
- 5.5 Where the owner or applicant fails to comply with the conditions of the Permit or this By-law, the Town may draw on the security to complete the required work or to remediate any damage or non-compliance, and the owner or applicant shall remain responsible for any shortfall.

PART 6 – ENFORCEMENT

Offence and Penalty

- 6.1 Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.
- 6.2 Every Person who contravenes any provision of this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention continues.
- 6.3 Every Person who is issued an Order under this By-law, and who fails to comply with the Order, shall be deemed to be committing a continuing offence for each day or part of a day that the Order is not complied with.

- 6.4 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 6.5 Any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and is found guilty of the offence, is liable, pursuant to the *Municipal Act*, 2001, to the following fines:
- (a) A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.
- 6.6 Every Person who is convicted of an offence under this By-law may be liable, in addition to the fines established under section 6.5, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

Orders

- 6.7 If an Inspector has reasonable grounds to believe that a provision of this By-law has not been complied with, the Inspector may issue an Order to Discontinue or other Order requiring the Person who contravened this By-law to:
- (a) Discontinue the contravening activity;
 - (b) Do the work or take any required action to rectify the contravention, including removing the Entrance;
 - (c) If adjoining land is damaged by the construction, or modification of an Entrance, or by any activity carried out on the land as a result of the Entrance, the Inspector may issue an Order to Repair, requiring the owner or occupant to restore the land as close to its original condition as is practicable.
- 6.8 An Order shall set out the following:
- (a) The address of the property on which the contravention occurred;
 - (b) The date of the contravention;
 - (c) Reasonable particulars of the contravention, and the section of the By-law contravened; and
 - (d) The date and time by which there must be compliance with the Order.

Power of Entry

- 6.9 Any Inspector or agent on behalf of the Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) To ascertain whether the provisions of this By-law are complied with;
 - (b) To ascertain whether any direction or Order issued pursuant to this By-law has been complied with; and
 - (c) To ascertain whether any condition of a Permit issued under this By-law has been complied with.

Inspection Powers

- 6.10 For the purposes of an inspection, an Inspector or agent on behalf of the Town may:
- (a) Require the production for inspection of documents or things relevant to the inspection;

- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) Require information from any Person concerning a matter related to the inspection; and
- (d) Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Power to Deny Access

6.11 In consultation with emergency services, public works, or other relevant Town staff, the Town may take such steps as are necessary to deny access to an Entrance where:

- (a) The Entrance has been constructed, modified, used, or maintained in contravention of this By-law, or any condition of a Permit issued under this By-law, or any applicable zoning or planning regulation; or
- (b) A Permit has been revoked under this By-law and the owner has failed to comply with an Order to cease use or to restore the Entrance.

6.12 Subject to any health and safety requirements, including the Ontario Fire Code or other legal or technical requirements related to health and safety, actions taken by the Town may include the erection of physical barriers, the placement of obstructions, or the removal of the Entrance in whole or in part.

Obstruction

6.13 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Inspector who is exercising a power or performing a duty under this By-law.

6.14 Without limiting the foregoing, any Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Inspector in the execution of their duties.

6.15 Any Person who provides false information to an Inspector shall be deemed to have hindered or obstructed the Inspector in the execution of their duties.

Service of Documents

6.16 Service of any document or Order, including a Penalty Notice, respecting this By-law may be given in any of the following ways and is effective:

- (a) On the seventh day after a copy is sent by registered mail or by regular mail to the Person's last known address;
- (b) Upon sending a copy by e-mail transmission to the Person's last known e-mail address;
- (c) Delivering it personally to an occupant at the last known address of the Person named in the document, Order, or Penalty Notice, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention; or
- (d) By posting an Order on the land on which the contravention occurred.

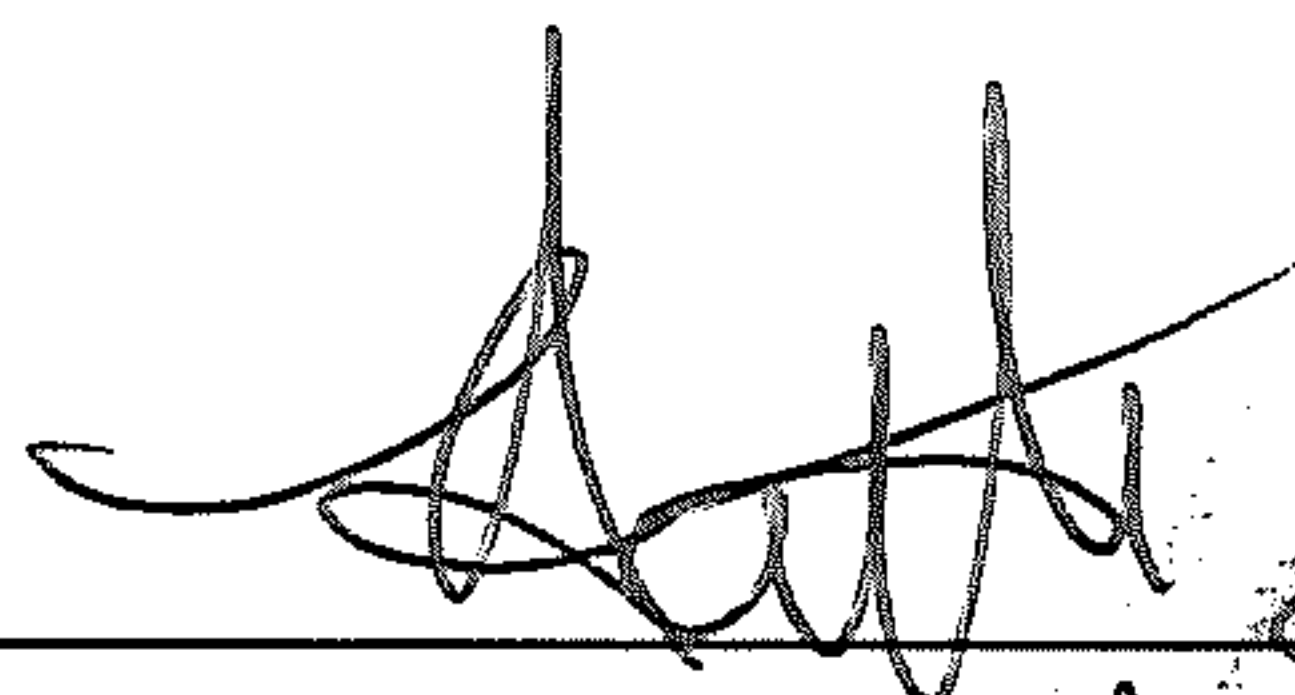
PART 7 – GENERAL

7.1 This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other Town By-law.

7.2 If any section, subsection or part or parts thereof is declared by a court of competent jurisdiction to be illegal, invalid, or otherwise unenforceable, such provision shall be deemed to be severable and the remainder of this By-law shall be declared to be separate and independent and enacted as such.

This By-law shall come into force and take effect on the day that the Fees By-law is amended to add Entrance Permit application fees related to this By-law.

Enacted by the Town of Caledon Council this 23rd day of June, 2026.


Annette Groves, Mayor


Kevin Klingenberg, Municipal Clerk

