



Town of Whitby Policy

Policy Title:	Vehicle Access to Public Parks and Open Space Areas for Construction Purposes
Policy Number:	OPS 160
Reference:	Council Resolution #155-89
Date Originated:	April 10, 1989
Date Revised:	Not applicable
Review Date:	As required
Approval:	Council
Point of Contact:	Community Services

Purpose

The purpose of this policy is to serve as a guide to Municipal staff when serving the public with regards to using Municipal parkland and open space areas as access routes to residential construction projects, etc.

Scope

This policy provides for an administrative process to ensure:

- a) The homeowner has a clear understanding of his/her responsibilities to the Municipality prior to commencing a project; and,
- b) A system to protect the taxpayer of Whitby from unnecessary cost and misuse of its parkland and open space areas.

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1 Procedure

1.1 Public parkland and open space areas can be used for access routes under the following conditions:

- a) That Town staff carry out an evaluation of a homeowner's request and the homeowner agree to follow a Municipal plan for "right-of-way" through the parkland and/or open space area.
- b) That an acceptable letter of credit or cash deposit be made available to the Municipality to cover the cost of potential damages to parkland, sidewalks, curbs, boulevards and open space due to a homeowner's construction project, etc.
- c) That the "right-of-way" access route does not severely affect any passive or active areas within a park or open space area which will limit the use of the area by the public.
- d) That the "right-of-way" access route does not require the destroying of mature trees, shrubs, etc., which cannot be economically replaced with similar stock.
- e) That based on the evaluation of Town staff there is no other reasonable access route available other than over Municipal parkland or open space areas to carry out the homeowner's construction project.
- f) That where necessary, C.L.O.C.A approval be obtained by the homeowner prior to the Town giving its consent for access over Municipal parkland or open space areas.
- g) The Corporation will consider using permit deposit funds or letters of credit if Municipal parkland or open space areas are not restored within forty-five (45) days of project completion.
- h) The Corporation will charge an administrative fee for services rendered with regards to "right-of-way" access permits. The fee will be reviewed by Council annually.
- i) The Municipality will retain any deposits as per the policies and no interest will be applied.

1.2 It is not the Municipality's intention to unreasonably withhold "right-of-way" access permits across Municipal land or impose undue financial hardships on homeowners. However, the Municipality has the responsibility to ensure the protection of the public's investment in parkland and open space.

This Policy is hereby approved by Council Resolution # 155-89 on this 10th day of April, 1989.