

THE CORPORATION OF THE TOWNSHIP OF CHAMPLAIN

BY-LAW NUMBER 2014-25

A BY-LAW TO REGULATE THE ENTRY UPON AND REINSTATEMENT OF ROADS IN THE TOWNSHIP OF CHAMPLAIN

WHEREAS Sections 8, 9 and 11 of the *Municipal Act* S.O. 2001, c. 25, and amendments thereto provide that every municipal corporation may pass by-laws for the purpose of governing its affairs as it considers appropriate;

AND WHEREAS it is desirable that criteria should be established to govern the installation of objects in, on or under roads and sidewalks under the jurisdiction of The Corporation of the Township of Champlain;

NOW THEREFORE the Council of The Corporation of the Township of Champlain enacts as follows:

1. DEFINITIONS:

In this By-law,

- a) **aroad@** means a road allowance and includes all lands and structures contained within the outer limits of the allowance including grassed areas, ditches, curbs, gutters, sidewalks and other structures;
- b) **aDirector of Public Works@** means the Director of Public Works of the Township of Champlain@;
- c) **asecurity deposit@** means cash, certified cheque, letter of credit or bearer bonds approved by The Corporation of the Township of Champlain;
- d) **aCAO/Clerk-Treasurer@** means the CAO/Clerk-Treasurer of The Corporation of the Township of Champlain;
- e) **aTownship@** means The Corporation of the Township of Champlain.

2. GENERALITY

- 2.1 No person shall break, excavate, bore under, tunnel, dig up or remove any part of a road without first obtaining a Road Cut Permit.
- 2.2 Every person requiring a permit shall apply in writing on the form provided by the Township marked Schedule "A" or "B" hereto attached.
- 2.3 Every application for a road cut permit on Schedule "A" shall be made to the Township=s Director of Public Works and shall be accompanied by a **security deposit** in accordance with the fees, as set in the current Township's User Fee By-Law.
- 2.4 Every permit issued under the requirements of "Schedule A" of this By-law shall be subject to payment of a fee as set out in the current Township's User Fee By-Law.
- 2.5 Every application for a road cut permit on Schedule "B" shall be made to the Township's Director of Public Works and shall be exempt from the security deposit as per Section (3) of this By-law.
- 2.6 No permit shall be issued for Schedule "A" until:

- a) the application form has been completed, signed and approved by the Director of Public Works and the application fee has been paid;
- b) the applicant has certified that all public utilities have been informed and that no work will commence until all public utilities have given the applicant the position of all underground public services;
- c) proof has been provided to show that the agent applying for the permit is a duly authorized representative of the applicant;
- d) a telephone number is provided and maintained for the time the permit holder is responsible for the road cut;
- e) a **security deposit** is provided for the sum specified in the current Township's User Fee By-Law.
- f) All gas mains are to be installed at a minimum of 1 meter away from any existing water and sewer main.

No permit shall be issued for Schedule "B" until:

- a) Proof has been provided that all public utilities have been informed and that all public utilities have given the applicant the position of all underground public services;
- b) Proof has been provided that the agent has in place a minimum of \$5 million dollars of Public Liability and Property Damage Insurance;
- c) The agent or representative applying for the permit must present themselves at the Administration Office on the day of the scheduled work as to receive the approved permit.
- d) proof has been provided to show that the agent applying for the permit is a duly authorized representative of the applicant;
- e) a telephone number is provided and maintained for the time the permit holder is responsible for the road cut;

2.7 No fee paid for a road cut permit shall be refunded.

2.8 All costs for obtaining street light locates will be invoiced to the road cut permit applicant.

3. **EXEMPTION FROM PERMIT FEE AND SECURITY DEPOSIT**

This By-law shall not apply so as to require a security deposit from any local municipality, a public utility service, company or commission with whom the Township has entered into a written agreement concerning highway excavations in respect of work coming within such agreement, nor to any railway incorporated under the laws of Canada.

4. **SCHEDULING**

4.1 Scheduling for Schedule "A" Permit:

- a) All requests for underground locates (e.g. sanitary sewers and storm sewers, and street lights) that are to be provided by the Township must be submitted at a minimum of 10 days prior to the expected start date of the project. A permit will only be issued after locates have been authorized and issued to the contractor.

- b) A road cut shall not be commenced until at least twenty-four (24) hours notice has been given to the Director of Public Works.
- c) A road cut permit shall become null and void if the work authorized by the permit is not commenced within thirty (30) days of the date of issue of the permit.
- d) The Township's Director of Public Works or designate shall have the authority to refuse any application, or to dictate the methods in which the road cut or bore shall be conducted.
- e) A permit holder shall not allow a road cut to remain open for more than twenty-four (24) hours unless the work is actively in progress.

4.2 Scheduling for Schedule "B" Permit:

- a) All requests for underground locates (e.g. sanitary sewers and storm sewers, and street lights) that are to be provided by the Township must be submitted at a minimum of 10 days prior to the expected start date of the project. A permit will only be issued after locates have been authorized and issued to the contractor.
- b) After obtaining all locates and other required supporting documentation, the utility company must complete Schedule "B" and submit it to the Administration Office at least 48 hours prior to the scheduled start work date.
- c) A road cut shall not be commenced until at least twenty-four (24) hours notice has been given to the Director of Public Works. The authorized agent for the utility company must present themselves at the Administration office on the day of the scheduled work to pick up the authorized road cut permit.
- d) A road cut permit shall become null and void if the work authorized by the permit is not commenced within thirty (30) days of the date of issue of the permit.
- e) The Township's Director of Public Works or designate shall have the authority to refuse any application, or to dictate the methods in which the road cut or bore shall be conducted.
- f) A permit holder shall not allow a road cut to remain open for more than twenty-four (24) hours unless the work is actively in progress.
- g) The Public Works Department will notify all public utility services prior to each construction season as to what works will occur. All utility services must coordinate on any of their utility installations upgrades or repairs in order for works to occur simultaneously with the Public Works Department construction schedule. Otherwise no Road Cut Permits will be granted for a two year period following a newly resurfaced road (unless deemed necessary due to extenuating circumstances or emergency situations, as approved by the Director of Public Works).

5. BARRICADES, WARNING DEVICES AND TRAFFIC SIGNS MUST COMPLY WITH BOOK 7 OF THE ONTARIO TRAFFIC MANUAL

The permit holder shall erect, maintain and remove, once completed, adequate barricades, traffic signs and warning devices. All barricades around excavations shall be lighted from sunset to sunrise with amber-coloured lights and be perceptible at a distance of one hundred and fifty (150) meters under normal atmospheric conditions. Maximum spacing for flashing lights is 1.2 meters.

6. TRAFFIC HAZARD

- a) No person shall cause or allow any material or fill to be placed on any roadway or sidewalk at any time where it will create traffic hazard.
- b) Every permit holder shall ensure that no excavated material is placed on any roadway or any sidewalk at any time where it will create a traffic hazard.

7. REINSTATEMENT AND BACKFILL REQUIREMENTS

Every permit holder shall ensure that every road cut shall be backfilled with approved materials compacted by mechanical means to obtain a degree of compaction of not less than 95% of maximum density and shall be reinstated to a condition equal to the condition prevailing prior to the road cut being made and in no cases shall be less than the minimum standard of 95%.

The Director of Public Works may require a permit holder to provide, at the permit holder's expense, test reports showing the degree of compaction that has been achieved.

If native on site material is not a quality or condition acceptable to the Director of Public Works, imported granular AC acceptable for backfill shall be used to a level six hundred (600 mm) millimetres (24") below the top of the gravel for a gravel roadway and six hundred and forty (640 mm) millimetres (26") below the top of the asphalt for an asphalt surfaced road.

For a gravel roadway, the top six hundred (600 mm) millimetres (24") of the road cut shall be backfilled with 450 mm (or 18") of granular AB (0 - 2") material and of 150 mm (or 6") of granular AA (0 - 6") material. Only quarry rock will be used as granular material to backfill and slag is prohibited.

Between May 1st and October 31st, the contractor will have 15 working days to reinstate the asphalt portion of the road cut back to its original condition. Between November 1st and April 30th, the contractor will have to immediately reinstate the asphalt portion of the road cut back to its original condition. In the event of unsatisfactory performance by the reinstated road cut, hereof or to unsatisfactory condition on final inspection, the permit holder shall be notified of remedial works required and if such required work has not been satisfactorily completed within 48 hours from notification, the Director of Public Works shall have the required work completed and the cost thereof shall be deducted from the security deposit held, as per Schedule "A" or invoiced to the permit holder as per Schedule "B".

For an asphalt surfaced roadway, a fifty (50mm) millimetres (or 2") thickness of hot mix asphaltic material (HL3 or HL4) shall be placed over the four hundred and fifty (450 mm) millimetres (18") of compacted granular AB (0 - 2")-and one hundred and fifty (150 mm) millimetres (6") of compacted granular AA (0 - 6").

Only quarry rock will be used as granular material to backfill and slag is prohibited. Any road that has two (2) lifts of asphalt will require it to be reinstated back to the original two (2) lifts of 40 mm HL8 and 40 mm HL3.

8. WARRANTY

The permit holder shall remain responsible for satisfactory performance of the reinstated road cut for a period of one (1) year following the date of preliminary acceptance.

In the event of unsatisfactory performance by the reinstated road cut during the one-year period referred to above, hereof or to unsatisfactory condition on final inspection, the permit holder shall be notified of remedial works required and if such required work has not been satisfactorily completed within five (5) working

days from notification, the Director of Public Works shall have the required work completed and the cost thereof shall be deducted from the security deposit held.

Should costs for such required works exceed the security deposit, the permit holder shall reimburse said costs immediately on demand for the execution of said works.

9. FINAL ACCEPTANCE

After the expiration of one (1) calendar year from the date of preliminary acceptance, the reinstated road cut shall be reinspected and approved for final acceptance by the Director of Public Works. The Director of Public Works shall then prepare a statement of all inspection, repair or reinstatement costs incurred and shall deduct all such costs from the security deposit then held and shall release any balance remaining to the permit holder.

Should costs for such required works exceed the security deposit, the permit holder shall reimburse said costs immediately on demand for the execution of said works.

10. RESPONSIBILITY FOR CLAIMS

A permit holder shall be responsible for all loss or damage arising directly or indirectly from settlement of the surface of a road within a one (1) year period or until final acceptance is given by the Director of Public Works.

11. PENALTIES

Any person or agent who contravenes any of the provisions of this By-law is guilty of an offense and upon conviction is liable to a fine as defined in the Provincial Offenses Act, R.S.O. 1990.

12. SEVERABILITY SECTION

If a court of competent jurisdiction should declare any paragraph or part of a paragraph of this By-law to be invalid or ultra vires, such paragraph or part of a paragraph shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

13. SHORT TITLE

This By-Law shall be known as "THE ROAD CUT BY-LAW".

14. ENACTMENT

- a) This By-law shall come into force on the date of passing thereof.
- b) This By-law repeals By-law Number 2012-38.

READ a first and second this 19th day of March 2014.

READ a third time and adopted this 19th day of March 2014.

GARY J. BARTON, MAYOR

JEAN THÉRIAULT, CLERK