

THE CORPORATION OF THE TOWNSHIP OF PERTH EAST

BY-LAW NO. 70-2001

BEING A BY-LAW TO PERMIT AND REGULATE THE USE OF MUNICIPAL LANDS OR ROAD ALLOWANCES FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF PRIVATE SERVICES.

WHEREAS Section 210, of the Municipal Act, R.S.O. 1990, c.M. 45 and amendments thereto, provides that the Councils of all municipalities may pass by-laws for authorizing of laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas, telephone, hydro, sewage or private services on, in, under, along or across any highway under the jurisdiction of the council;

AND WHEREAS it is deemed necessary and in the public interest to regulate the installation of pipes and other necessary works in ditches, on highways and road allowances which forms part of the Perth East Township Road System, and to issue permits for same;

THEREFORE it is hereby enacted by the Municipal Council of the Corporation of the Township of Perth East as follows:

1. **Approval Requirements**

- 1.1 **Private Services** shall not be placed within a municipal right of way, street, or road under the jurisdiction of the Corporation of the Township of Perth East without written approval from the Township in accordance with this By-law.
- 1.2 **Private Services**, within a municipal right of way, street, or road under the jurisdiction of the Corporation of the Township of Perth East shall, if approved by the Township of Perth East, be installed in the location and manner as specified by the Manager of Public Works. The owner of the private services shall provide and install all necessary equipment and materials, subject to the Manager of Public Works' approval.

2. **Specifications:**

The following specifications shall apply to the installation of all private services:

- 2.1 Private services must be installed only in the location(s) approved by the Manager of Public Works.
- 2.2 Private services must be installed only in the alignment and depth approved by the Manager of Public Works.
- 2.3 Back filling, where required, shall be placed and compacted to 95% Standard Proctor Density.
- 2.4 All backfill within the traveled portion shall be granular material acceptable to the Manager of Public Works.
- 2.5 All materials and/or equipment to be installed shall be approved by the Manager of Public Works.
- 2.6 When non-traceable materials are utilized, a suitable trace wire shall be installed to allow future location of the service.
- 2.7 Private Service installation, maintenance or alteration may not restrict surface drainage in any way.
- 2.8 All disturbed areas must be reinstated to existing conditions or as directed by the Manager of Public Works.

3. **General Conditions**

- 3.1 At the time of application, all proposed works must be clearly identified on suitable drawings showing locations, depths, distances from centreline of road, and details of services to be installed.
- 3.2 All private services shall be installed on private property where possible. The Township will only consider installation of private services within the municipal right of way if all other locations have been thoroughly investigated and are deemed unsuitable.

- 3.3 A Permit shall be required for the installation of any private services on a municipal right of way, street, or road under the jurisdiction of the Corporation of the Township of Perth East, as set out in Schedule “A”
- 3.4 Any landowner who wishes to install, repair or alter any private service on any municipal right of way, street, or road under the jurisdiction of the Corporation of the Township of Perth East shall first make application to the Manager of Public Works for a permit for said work.
- 3.5 The Manager of Public Works shall review the application and if acceptable, shall issue a permit therefor.
- 3.6 Should the proposed installation, repair or alteration of any private service be unacceptable to the Manager of Public Works, he may refuse to issue a permit.
- 3.7 **One week’s notice** will be given to the Manager of Public Works as to when work will commence so that inspection of work can take place.
- 3.8 If this notice is not given and there are concerns regarding the integrity of any component of the work done in the absence of inspection, the Township may take steps to ensure the installation complies with the provisions of this By-law.
- 3.9 Each permit shall clearly state the details of the proposed work and shall be valid for 60 days from the date of issue.
- 3.10 The location of private service shall be approved by the Manager of Public Works, keeping in mind location of other services and utilities, the location of trees, shrubs, buildings and other structures.
- 3.11 The maintenance of all private services, both before and after improvements or reconstruction, shall be the sole responsibility of the owner of the private service.
- 3.12 If an owner of private services refuses or neglects to comply with any provisions of this by-law or make an installation in accordance with this by-law or a Permit, the Township may take the necessary action to ensure the installation complies with the provisions of this by-law. Any expense incurred in doing so shall be recovered from the landowner as set out in Section 3.16 of this by-law.
- 3.13 Where road construction by the municipality takes place, any work required on private services made necessary by that construction shall be undertaken by the Township at no cost to the owners of private services affected.
- 3.14 Any damage to existing municipal infrastructure, existing services or other existing works within municipal right of way, street or road under the jurisdiction of the Corporation of the Township of Perth East caused by the presence, operation, installation and repair of private services, shall be the sole responsibility of the owner of the private service. The owner shall immediately repair at his own expense, any and all damage to the satisfaction of the Manager of Public Works.
- 3.15 In the event that the owner of the private service fails to comply with this By-law, the Township may take the necessary action to ensure the required repairs are satisfactorily completed in accordance with the provisions of this By-law. Any expense incurred in doing so shall be recovered from the private service owner, as set out in Section 3.16 of this By-law.
- 3.16 The cost of all chargeable work done or materials purchased from the Township shall be payable within 30 days of the completion/receipt of the said work/material. Any account not paid within the specified time will be added to the tax account of the landowner, together with interest at 2% per month and a collection charge of \$20.00.

3.17 Following completion of any installation of new private services or alteration of existing private services, all completed works must be clearly identified on suitable as-constructed drawings showing locations, depths, distances from centreline of road, and details of services installed or altered.

4. **Penalty**

Any person convicted of a breach of any of the provisions of this By-law shall upon conviction, pay a penalty not exceeding the sum of \$300.00 for each offence, exclusive of costs recoverable under the Provincial Offences Act.

5. **Repeal**

By-laws of the former municipalities now comprising of the Township of Perth East, which are inconsistent with this by-law, shall hereby be repealed.

6. **Enactment**

This By-law comes into force upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 22ND DAY OF OCTOBER, 2001

READ A THIRD AND FINAL TIME THIS 22ND DAY OF OCTOBER, 2001

Ria Colquhoun, Clerk

R. J. McTavish, Mayor

PRIVATE SERVICES PERMIT

SCHEDULE "A"

THE CORPORATION OF THE TOWNSHIP OF PERTH EAST

Authorizing Services on Township Road Allowances

Name of Applicant		
Address of Applicant		
	Postal Code	Telephone
Address of Work		
Reason for Permit (State Type or Description of Work)		
Exact Location of Work Along Road North South East West	Distance from Centreline of Road	Depth Below Grade

*Note: A plan or Sketch showing the location and the extent of the Work and/or Service **MUST** accompany this application.*

Date of Work:

Proposed Start Date Estimated Completion Date

Note: Closure of any Driving Lane or the cutting of any asphalt is not permitted unless specifically authorized in writing by the Township.

DEPOSIT REQUIRED

DEPOSIT AMOUNT _____ **(Deposit amounts less than \$1,000 shall be cash or cheque. Amounts greater than \$1,000 may be by Cheque or approved letter of credit)**

DEPOSIT WAIVED _____ **(Authorized Township Signature)**

Distribution: Applicant File

GENERAL CONDITIONS:

1. It is the Applicant’s responsibility to advise the Township when all work on the road allowance is completed and ready for inspection. Costs for repeated inspections may be deducted from the deposit. The Township reserves the right to retain all or part of the deposit to offset Township costs to restore unsatisfactory work to match original conditions; for any damage claims, or for other Township costs related to work performed under this Permit. The Township also reserves the right to retain all or part of the deposit for a minimum period of six months after initial acceptance by the Township for potential settlements, ground cover restoration, etc.
2. The Applicant is required to protect existing cables, conduits, structures or other appurtenances from damage as a result of the work under this Permit. Any such damage occurring shall be immediately repaired to the satisfaction of the authority having jurisdiction over the damaged area.
3. The Township does not guarantee that the location selected for services is not in use by other utilities or services.
4. The Applicant agrees that a minimum of 7days prior to beginning any work on the road allowance, and that the Township will be properly notified. In the event of emergency repairs required after normal business hours, the Applicant agrees to notify the Township of all work undertaken by noon on the next business day.
5. The Applicant agrees that prior to beginning any work on the road allowance, proper signing and barricades shall be provided for traffic control in conformance with the “Traffic Control Manual for Roadway Work Operations” (available from the MTO)-- latest edition.

We, the undersigned Applicants, agree and bind ourselves to indemnify and save harmless the Township of Perth East from any and all claims arising as a result of the work for which this permit is issued.

Date of Application	Signature of Applicant(s)
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Authorization is hereby granted to the applicant and/or his agents to perform the above-described work, subject to the General Conditions named in the Application, the requirements of By-law _____, and is subject to the following additional specific conditions. By beginning the work on the road allowance, the Applicant(s) agree and bind themselves to ALL conditions on this Permit.

SPECIAL CONDITIONS (check below)

Road Crossings are to be **BORED**. Pavement must not be cut. Bore pits to be located outside of the shoulder area, a minimum of 3 metres from the edge of pavement. Compaction of backfills shall be 95% Standard Proctor. All disturbed areas must be restored to original conditions including the necessary sodding or seeding. Disturbed sidewalks and curb and gutter shall be replaced.

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USE BACK AND/OR SEPARATE SHEET FOR FURTHER CONDITIONS:

DATE: _____ Per: _____

Manager of Public Works, Township of Perth East