

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY

BY-LAW NO. 98-2

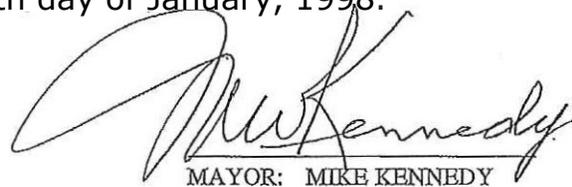
Being a by-law to regulate Municipal Land Occupation
within the Township of Georgian Bay.

WHEREAS the Council of the Township of Georgian Bay desires to enact a
by-law, pursuant to the provisions of Chapter M45, Section 310 (a) of the
Municipal Act, R.S.O., 1990.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1. That the Public Works Department of the Township of Georgian Bay
be and are hereby authorized to act the procedures as set out in
Schedule "A" attached to and forming part of this By-law.
2. That By-law 72-71, 96-35 and 97-53 are hereby repealed.
3. This by-law shall come into force and take effect upon the date of
final passing.

Read a first and second time this 20th day of January, 1998.


MAYOR: MIKE KENNEDY

WGrant
CLERK
ADMINISTRATOR
WINANNE GRANT

Read a third time and finally passed this 20th day of January, 1998.


MAYOR: MIKE KENNEDY


CLERK ADMINIS
WINANNE GRANT



SCHEDULE "A" TO BY-LAW 98-2

PROCEDURES AND INFORMATION REGARDING

MUNICIPAL LAND OCCUPATION

BY UTILITIES AND

PRIVATE SECTOR INTERESTS REGULATED

UNDER BYLAW 98-2 OF THE TOWNSHIP OF GEORGIAN BAY

Revised: May 1996

General:

All utilities, agencies, service contractors, private individuals, developers, etc. desiring to excavate, remove, alter, install or otherwise disturb the existing lands or improvements thereon within Township road allowances or properties shall make application to the Township of Georgian Bay for permission to occupy or otherwise operate within the Municipal lands in strict accordance with the following conditions .

1. Application Procedure:

- a) Application on approved Township forms is to be made at least 14 days prior to work being carried out.
- b) No work is to commence prior to receipt of Township approval.
- c) The applicant shall complete the upper portion of the Municipal Land Occupation Permit application. The entire form is returned in tact to the Township office for assigning Township Permit No., comments, and approval signature. Applicant will be mailed his copy of the approved form along with a "Release of Liability" form. (See "h" below)
- d) The applicant shall submit the fee of \$125.00 along with the Municipal Land Occupation Application.
- e) Where emergency work is undertaken, the Township shall be notified immediately on the next working day and an application form will be made out to cover emergency work.
- f) All work and repairs placed in conjunction with the Occupation Permit shall be maintained and guaranteed by the applicant for a period of two (2) years from the date of completion of the work (temporary repair), or one (1) year from completion of permanent repairs whichever is longer. If a temporary repair has not been upgraded to a permanent repair within the two year period, the Township shall authorize the work to be done by others and the applicant invoiced for costs incurred.
- g) At any time during the guarantee periods, the Township shall have the authority to advise the applicant that the repair is or has become substandard and appropriate action be taken as directed by the Superintendent or his designate.
- h) The applicant must file with the Township an "Application for Release of Liability" form. The upper section of this form shall be completed by the applicant and returned in its entirety to the Township office. This will be done following completion of temporary or permanent reinstatement and restoration works. The Township will inspect the works and make any

comments as to further works required, establish the length of guarantee period and issue a statement of liability release. If the works involved were installed underground, "AS-BUILT" detailed drawings complete with location measurements MUST be submitted to obtain liability release signature. No field inspections or work site will be performed by the Township between December 1 to May 1 for Release of Liability purposes and as such no releases will be granted during this period.

- i) All applications for Municipal Land Occupation Permits must be accompanied by detailed drawings. A minimum of three (3) copies of each drawing is required. Should the installation be underground, plan and profile drawings must be submitted whether for works parallel to or crossing Township land. All drawings MUST show measurements from centerline of road to planned works' distance from road allowance property limit to works; and distance of installation from edge of roadway pavement, if applicable.

2. Installation Procedures:

- a) The minimum depth of bury below original ground elevation to the top of new underground installations anywhere within the Township shall be 1.0 metres/3.0 feet). Installations at roadway drainage culverts or storm drain systems shall be a minimum of 1.0 metres (3.0 feet) below the invert of culvert or storm drain pipe or 3.0 metres (10.0 feet) horizontally from the end of the culvert or storm drain pipe. The Township shall be held harmless for any damages and costs incurred by others resulting from installations found to be in non-conformance with these measurements.
- b) The applicant shall make every effort to locate the installation as close as possible to the road allowance property limit unless conditions dictate otherwise.
- c) The applicant shall be responsible for obtaining all applicable utility locates prior to excavation commencement. The applicant of the Contractor shall be liable for any damages, etc. to such utilities.
- d) Installation Under Township Roads
 - 1) The Township's preferred method of roadway crossing is by either augering; jack & boring; or push-pull method. Open cut of the roadway is to be considered as a last resort method only after efforts using the above methods have been employed. No vibrating probes or "torpedoes" will be used for road crossings unless specifically approved by the Township.
 - 2) Where the roadway crossing is proposed to be augered, jack

and bored, or push-pull method, the following conditions shall apply:

- the top of the access hole excavations on either side of the roadway shall not come within 1.0 metres (3.0 feet) of the edge of pavement, curb, gutter, subdrain, or sidewalk
- all installations shall be encased within a rigid conduit of sufficient size to accommodate planned works as well as possible future plant installations.
- augered, jack and bored, or push-pull installations shall be lined with a rigid conduit with a diameter of no less than 75% of that of the hole to prevent collapse or settlement.
- all encasement conduits shall extend a minimum of 3.0 metres (10 feet) beyond the edge of pavement, curb, gutter, subdrain or sidewalk.

3) Where the roadway crossing has to be open cut, the following conditions shall apply:

- installed conduit or pipe shall be incased within a rigid conduit of sufficient size to accommodate present works as well as possible future plant installations.
- where the buried product occupies a cross-sectional space of more than 200 square centimetres (30 sq. inches) and is within 1.5 metres (5.0 feet) of the surface of the road, or where the excavated material is not suitable for backfill, or where the Township determines the road quality warrants full subgrade restoration, a "Frost Taper" shall be installed in accordance with OPSS.
- excavated material, if suitable, shall be taken from the trench and differing material types encountered shall be separated such that these materials can be placed back in the trench as originally excavated, with compaction performed in maximum 0.3 metres (1foot) lifts up to granular subgrade elevation.
- granular materials placed on top of the backfill material shall be at least the same depth as originally encountered or 150 mm (6") whichever is greater and shall be fully compacted to a minimum 95% Proctor density.

3. Traffic Control

The applicant and contractor shall be responsible to regulate traffic with approved signs, flagmen, markers, barricades, fences, flashing lights, etc. as is deemed applicable to the nature of the work involved and shall be in

compliance with the Ministry of Transportation of Ontario's "Traffic Control Manual for Roadway Work Operations" and "Manual of Uniform Traffic Control Devices"; latest editions. No equipment, earth or aggregate materials shall be placed in a manner to obstruct the flow or visibility of pedestrian or vehicle traffic. Open cuts are to be fully fenced and barricaded including flashing lights if left overnight. No open cuts are to be left open over weekend or statutory holiday periods.

4. Reinstatement and Restoration

a) Class of Restoration

The Township acknowledges that varying qualities of roadways exist in the road network. The extent of roadway restoration required is determined to some degree by the quality of the roadway.

1. Class "A" No known impact is expected on the adjacent roadway. Due care is to be taken when moving construction equipment over the surface.
2. Class "B" The road bed material is of a generally unknown nature and the open cut area, if required, is to be backfilled and thoroughly compacted with native materials. Granular materials shall be reinstated to equal depths as originally encountered.
3. Class "C" The roadway is hard topped with bituminous material of generally poor quality. Subsurface shall be treated as per "B" above and pavement restored with a minimum of 50mm (2") of similar or better quality bituminous pavement material. Edges of new material may be feathered to match existing pavement surface. An approved asphalt "tack coat" shall be applied to the existing bituminous surface consisting of SS-1 asphalt emulsion diluted with an equal volume of water and shall be applied at a rate of 0.35 kg/square metres. The minimum allowable width of tack coat application across the roadway surface shall be 0.6 metres (2 feet).
4. Class "D" The roadway is hard topped with good quality bituminous asphalt surface contour. The nature of traffic, subsoil and roadway crossing will determine the subgrade restoration. Asphalt pavement will be restored with similar depth of hot-mix pavement with either a saw cut, burned, or roto-milled match joint at both sides of the road cut. The new vertical cut asphalt face shall receive a tack coat applications of SS-1 emulsified asphalt immediately prior to placement of new hot-mix asphalt. Asphalt compaction shall be a minimum of 95% Proctor density.

5. Class "E" The roadway is in good shape and is less than three years old from date of construction. No road cuts will be allowed except for emergency purposes or where evidence can be shown to prove necessity. Class "D" repair will be used.

b) Temporary Reinstatement (of Road Surface)

Where required, temporary reinstatement shall take place immediately upon completion of the work. This reinstatement shall be no less than reasonable compaction of native soil backfill material, 150 mm (6") of salvaged or new granular A crushed gravel; and 80 mm (3") hot-mix HL3 asphalt pavement rolled in place. No condition shall be left unattended or unmarked that constitutes a hazard to traffic. Where such temporary reinstatement is proving satisfactory to traffic flow, it shall be left for no less than one month and no more than one year before being permanently reinstated. Road cuts in bituminous paved roads shall not remain in a gravel surface condition for more than five (5) working days from completion of initial works until bituminous material is placed in road cut.

c) Permanent Reinstatement (for Road Surface)

Except where it is necessary to effect temporary reinstatement of the road, all restoration work in connection with the application shall be done in an efficient, proper manner so as to leave the site in as good a condition as found.

- Good grass shall be replaced by Number 1 nursery sod.
- Other grassy vegetation shall be restored with 50 mm (2") minimum screened topsoil, fertilized and seeded, mulched, or hydroseeded of sufficient quantity and quality to anticipated possible erosion which, should it occur, shall be required.
- Curb, gutter, and sidewalk that is removed or damaged shall be replaced with new, similar style product from the nearest saw cut or expansion joint in the original product.
- Pavement shall be reinstated permanently with an equal thickness of original material or 60 mm (2 1/2") compacted whichever is greater using HL3 hot-mix bituminous pavement. Pavement patch is to be matched with a diagonal saw cut joint, roto-milled joint, propane burned joint, or feathered asphalt joint as specified by the Township. A tack coat consisting of SS-1 (Colas) emulsified asphalt shall be applied to all existing asphalt surface where new asphalt pavement patch is to make contact. Such tack coat will be of sufficient size to afford complete bonding of new asphalt to existing asphalt surfaces.
- Excavated materials for backfill purposes, if suitable, shall be compacted back in place up to bottom of granular or topsoil grades. All compaction shall attain a minimum of 95% Proctor density.

d) Trench Settlement Repairs During 12 Month Maintenance Period

If during the 12 month period following a permanent reinstatement of asphalt surface, and the utility has requested final release of liability and it is found that minor settlement of the road cut has occurred, the Township or its authorized agent will engage the use of the "Patchmaster" method or equal, of asphalt surface repair if release is to be granted. If the utility chooses to effect its own further repair to the cut, an additional 12 month maintenance period will be implemented prior to possible Release of Liability. This basically consists of re-heating the asphalt patch area to a depth of approximately 2"; rake the heated material to proper grade and crossfall elevations and, if necessary, add hot-mix HL3 asphalt material; apply an asphalt rejuvenating compound to the patch surface, compaction of the asphalt using steel-drum vibratory roller; and finally the application of hot asphalt cement sealant along the perimeter asphalt joint. All costs for labour, equipment and material to perform this repair work will be invoiced to the applicable utility or applicant. Once the invoice has been paid, the Township will sign-off the "Release of Liability" form for the said roadway cut.

Should excessive settlement occur to the road cut within one year of permanent restoration having been done, the Township will notify the applicable utility or applicant that the road cut must be re-excavated, backfilled, and surface restored, all at the expense of the applicant. The maintenance period will be extended for a further 12 month period following permanent restoration of the settlement repair works.

5. Liabilities

The applicant and contractor shall be liable for any and all injury, property damage, etc., as a result of their presence, operating practices, excavations, traffic control, etc. The applicant shall be responsible for obtaining and complying with all other Acts, Regulations, Approvals, trench permits, etc., applicable to the proposed works upon Township road allowance. The applicant shall be responsible to ensure that the contractor or his employees are adequately covered by Worker's Compensation and other insurance coverage as is appropriate, and shall name the Township as an additional insured.

6. Township Prerogative

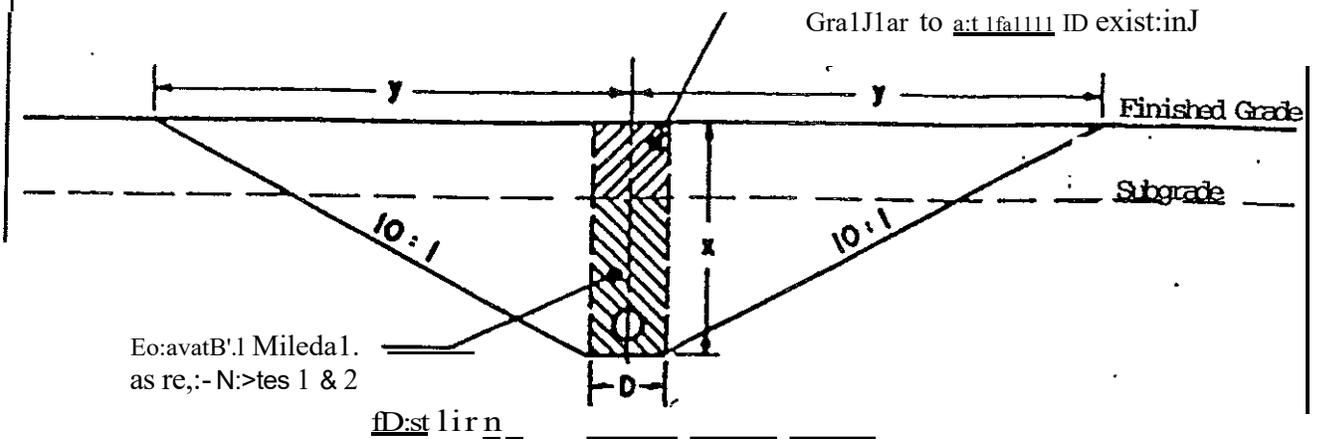
It is understood that when an applicant proceeds with installing, adjusting, or removing vegetation from Township property, the applicant is sufficiently prepared to comply with all the requirements of restoration. All work is to be done in an expedient, professional manner, with courtesy and the least possible delay or inconvenience to the public. Respect should be shown for other utilities and hard services

already in place.

It is the Township's responsibility and privilege to see that the work being done is in accordance with these objectives. Where the Township observes that these conditions and objectives are not being met, the applicant and/or contractor may be requested to cease work on the site until the correction is made. Where restoration is substandard or becomes substandard prior to and within the guarantee period, and the applicant, with due notice, has failed to correct the situation, the Township may instruct its forces or contractor to effect repairs and find the applicant liable for all costs associated thereto.

Where past performance has indicated inability of an applicant or contractor to perform work in accordance with these regulations and requirements, the Township may prohibit the issuing of further permits to the same for a period of time.

This standard to be used when any crossing of a Township road is done by "open-cut" method.



"x" denotes depth of excavation

"y" = $10(x) + D/2$

ie: if $x = 1.2m$ then $y = 12m$

Frost line is 1.5m from finished grade

"D" = Diameter of Pipe + 450mm

NOTES:

- 1) Material excavated from the trench will be separated into the various layers and types of material encountered, and this material will be returned to the trench and compacted so as to make it compatible with the native material to minimize differential heaving. Backfill will be compacted to a proctor density of 95%.
- 2) If the excavated material is not suitable to return to the excavation, granular material will be imported for backfill, in which case the slope requirements will apply.
- 3) The 10:1 slope is to be taken from the bottom of excavation or frost line whichever is less.
- 4) The road surface is to be returned to its original state using the same type of surface material (ie; HL4, etc.) and there must be 150mm of 19mm crushed granular immediately beneath this surface.

ALL DIMENSIONS IN MILLIMETRES EXCEPT WHERE NOTED.

DATE: MAY/1996

THE TOWNSHIP OF GEORGIAN BAY

NOT TO SCALE



THE CORPORATION OF THE TOWNSHIP OF GEORGIAN
BAY APPLICATION AND PERMIT
FOR MUNICIPAL LAND OCCUPATION
705-538-2337 or 800-567-0187

Permit No. _____

Name of Applicant: _____

Address: _____

Telephone: _____

Contractor: _____

Address: _____

Telephone: _____

Township Road Name/Location of Work: _____

Brief Description of Project: _____

A Sketch Shall Be Provided.

Are Other Approvals Required: YES _____ NO _____

If Yes, Who _____

Work Will Commence on the _____ Day of _____, 20____

Work Will Be Completed on the _____ Day of _____, 20____

Traffic Will Be:

Maintained _____ Closed _____ Partially Closed _____

Where Pavement is crossed, it will be Augered _____
Bored/Jacked _____
Open Cut _____
Other _____

The Applicant herewith warrants that all workmanship and materials placed under this approval shall be maintained and guaranteed for a period of two years from the date of completion of the work or one year from completion of permanent repair, whichever is longer.

The Applicant and the Contractor have read the Schedule outlining procedures, liabilities, traffic control, temporary reinstatement, permanent reinstatement, class of restoration and municipal prerogative.

DATE: _____ SIGNED: _____

POSITION: _____



MUNICIPAL APPROVAL

On the basis of this application and all pertinent Schedules and By-Laws and notwithstanding any other liability, approval, regulation, By-Law or Provincial statute, the Applicant is herewith approved to proceed with the Municipal Land Occupation as requested.

Restoration shall be in accordance with a Class _____ Procedure.

COMMENTS: _____



DATE: _____ SIGNED: _____

ROAD NAME: _____ POSITION: _____



THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY
99 LONE PINE ROAD
PORT SEVERN, ONTARIO
L0K 1S0
705-538-2337 – 1-800-567-0187

APPLICATION FOR RELEASE OF LIABILITY

Name: _____

Address: _____

ROAD AUTHORITY

Permit No. _____

Please be advised that the Applicant under the above permit number, has satisfied all the requirements of this approval and herewith requests a written release from the Municipality of any further liabilities connected with the restoration subject to the guarantee clause stipulated in the permit.

Date Work Completed: _____

Date Final Restoration Completed: _____

Date: _____

Signed: _____

POSITION: _____

STATEMENT OF RELEASE

Permit No. _____

This confirms the following:

- A) A statement requesting release from liability for the repair has been received (subject to the guarantee period).
- B) The guarantee period has been commenced and will terminate on _____
- C) The Township has inspected the site recently and finds it in order.

Other Comments: _____

Date: _____ Signed: _____

Position: _____ Road Section: _____

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Personal information contained in this form is collected under the authority of The Municipal Act, R.R.O. 1980, c.302, as amended and any by-laws passed pursuant to it. Questions about this collection should be directed to the Freedom of Information Co-ordinator, 99 Lone Pine Road, Port Severn, Ontario. L0K 1S0 705-538-2337.