

# THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

## BY-LAW NO. 2021-56

*Being a By-law of the Corporation of the Township of North Dundas to regulate the entry onto and the cutting and reinstatement of municipal roadways.*

**WHEREAS** the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

**AND WHEREAS** the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

**AND WHEREAS** the *Municipal Act, 2001*, c. 25 s. 391 authorizes a municipality to impose fees or charges on persons for service or activities provided or done by or on behalf of it;

**AND WHEREAS** the Township has deemed it necessary to regulate the obstructing, encumbering, injuring or fouling of roadways and bridges.

**NOW THEREFORE** the Council of the Corporation of the Township of North Dundas enacts as follows:

### 1.0 SHORT TITLE

1.1 That this By-law shall be known as the "Municipal Consent for Road Cut".

### 2.0 DEFINITION

2.1 "Officer" means a Municipal Law Enforcement Officer appointed by the Township under Section 15 of the Police Services Act, R.S.O. 1990, cP.15

2.2 "Road Cut" means a surface or subsurface cut in any part of a Highway made by any means, including any excavation, reconstruction, cutting, saw cutting, overlaying, crack sealing, breaking, boring, jacking or tunneling operations.

3.0 That the installation, alteration or repair of underground structures including pipelines, utilities and other services to property on municipal road allowances be subject to the requirements outlined in the Standards, Specifications and Requirements regulating the obstructing, encumbering, injuring or fouling of highways or bridges attached hereto as Schedule "A" and forming part of this By-law.

4.0 That the fees for Municipal Consent for Road Cuts and Road Cut Deposits are as prescribed in Schedule "B" of this By-law and must be paid upon submission of the "Application for Municipal Consent" form to the Township.

4.1 A submitted "Application for Municipal Consent" form shall not be approved by the Township until payment of fees and deposits as prescribed in Schedule "B" has been made.

### 5.0 GENERAL PROHIBITIONS

5.1 No person shall:

- a. Complete a road cut without a permit;
- b. Fail to correct a deficiency after receiving a notice; and,
- c. Fail to produce a copy of a permit upon request of an officer.


5.2 Except as per 5.3 and 5.4, no person shall conduct work between 5:00 pm and 7:00 am the next day.

- 5.3 No person shall conduct work at any time on a Saturday, Sunday and during statutory holidays.
- 5.4 Work may be completed in the case of emergency repairs.
- 5.5 No person shall hinder, obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty.

## 6.0 OFFENCES

- 6.1 Any person who contravenes any provisions 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.
- 6.2 Where a person is convicted of an offence under this By-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 6.3 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 7.0 That any By-law inconsistent to this By-law is hereby repealed.

**READ and passed in Open Council, signed and sealed this 14<sup>th</sup> day of September, 2021.**

  
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MAYOR

  
\_\_\_\_\_  
CLERK

**Schedule "A"**  
**Municipal Consent for Road Cut By-law No. 2021-56**

The granting of a permit under By-law No. 2021-56 shall be subject to the following Standards, Specifications and Requirements:

1. The applicant/owner must apply to the Corporation of the Township of North Dundas for permission to undertake a road cut and agree to conform to the Township's conditions, standards and specifications governing the road cut reinstatement if a permit is issued.
2. Approval for excavation and open cut crossings shall not be given unless it is determined to be to the satisfaction of the Township that auguring, pushing, drilling or boring is not deemed to be expedient or practical for the intended work.
3. The work cannot be performed until:
  - a. A completed application for Municipal Consent has been submitted;
  - b. The prescribed fees have been paid;
  - c. A plan showing the proposal layout has been submitted; and
  - d. A permit issued by the Township has been received by the applicant/owner.
4. All costs associated with the construction and geotechnical inspections shall be borne entirely by the applicant/owner.
5. Any person or contractor wanting approval to perform work for any of the aforementioned purposes shall be required to provide a deposit, pursuant to Schedule "B", by certified cheque to the Township of North Dundas as surety for satisfactory performance of the work to be undertaken. The value of the surety may be increased by the Township if the scope of the proposed work exposes the Township to potential damages greater than the minimum deposit amount.
6. Full time geotechnical inspection/compaction tests are required by a recognized soil testing company during reinstatement of the trench at the applicant's cost. If geotechnical testing has not been undertaken, or test results indicate that minimum compaction and/or geotechnical requirements are not met, the Township reserves the right to withhold release of the surety for 1 year to confirm that trench settlement has not occurred. If trench settlement has occurred, the repair will be undertaken at the applicant's expense.
7. The certified deposit cheque shall be released when the following has been met:
  - a. The work has been performed to the satisfaction of the Township;
  - b. The reinstated grassed areas have been established;
  - c. All test results indicate compliance with geotechnical requirements; and
  - d. As-built drawings showing the location and elevation of the new services crossing the road have been provided to the Township
8. Any deficiency or non-compliance that is not corrected to the satisfaction of the Township within the period of 2 months following the written notice, shall be corrected by the Township at its sole discretion and the cost thereof, less the surety amount, will be recovered from the owner of the property receiving the benefit of the underground structure.
9. No open trench/road cuts allowed on newly paved roads for two years, unless otherwise approved by the Council.

**PROVIDE THE FOLLOWING INFORMATION TO YOUR CONTRACTOR PRIOR TO OBTAINING A PRICE TO COMPLETE THE WORK:**

1. All work for which approval is given, except for emergency repairs, shall be conducted during normal working hours, 07:00 to 17:00 hours, local time, and on regular working days, Monday to Friday inclusive, except statutory holidays.

2. The following is the general prescribed method to restore road cuts on Township roadways. The Township's Director of Public Works, or designate, may modify these requirements based on existing conditions or recommendations from a geotechnical engineer/consultant.

### **General Method to Reinstate Roadway Cuts**

#### **Step 1: Excavation**

Excavate to the required depth. Excavation shall comply with the Occupational Health and Safety Act (OHSA) and all other applicable legislative requirements. Separate the native soil from any other granulars.

Where asphalt, sawcut asphalt.

#### **Step 2: Trench Backfill**

Following installation of the pipe(s), pipe bedding and surround, the trench shall be backfilled with native soil placed in compact layers at a maximum pre-compaction thickness of 300mm. In the event that the existing soil is not suitable for use as backfill, appropriate backfill material as approved by a geotechnical engineer must be used. Backfill shall be compacted to a minimum of 95% Standard Proctor Density (SPD). The trench backfill shall extend from the pipe cover to the bottom of the granular base layer.

#### **Trench Backfill Under Roadway**

Following installation of the pipe(s), the trench shall be backfilled with U-fill or high-performance bedding material requiring no compaction.

#### **Step 3: Granular Reinstatement (Alternate to U-fill)**

The existing granular base shall be cut back at a 15:1 slope. Reinstatement of granular material shall match existing. At minimum, Granular "B" sub-base material shall be 300mm thick and Granular "A" base material shall be 150mm thick. The minimum accepted compaction for the granulars shall be 100% Standard Proctor Density (SPD) in lifts not exceeding 200mm thick. The top of the Granular "A" base material shall be shaped to slope from the centreline down at 2% towards the edge of the shoulder and level with the bottom of the existing asphalt. The minimum asphalt thickness to be reinstated shall be 50mm thick if the existing asphalt is less than 50mm thick.

#### **Step 4: Asphalt Reinstatement**

The existing asphalt shall be saw cut a minimum of 300mm back from the top of the edge of the new granular/U-fill. HL-3 asphalt shall be installed in 50mm lifts as a minimum or if otherwise stated by the Director of Public Works. The asphalt shall be compacted in a direction parallel to the direction of traffic flow. Asphalt shall be compacted to 100% Standard Proctor Density (SPD). Roadside restoration shall be conducted as noted; the Township may modify these requirements based on existing conditions:

#### **Topsoil and Seeding/Topsoil and Sod**

A minimum of 100mm of topsoil shall be spread and compacted over the area to be reinstated. In rural areas, the area shall be reinstated with standard roadway seed mixture. In urban areas, the lawns and boulevards shall be repaired with sod.

#### **Step 5: Sidewalks**

If a concrete sidewalk is removed, the entire sidewalk bay must be replaced with a 150mm thick concrete bay.

### **Materials**

All materials shall conform to the Ontario Provincial Standard Specifications (OPSS).

**Schedule "B"**  
**Municipal Consent for Road Cut By-law No. 2021-56**

The granting of a permit under By-law No. 2021-56 shall be subject to the following fees:

1. Application fee:
  - a. Standard Application Classification, 15 days; \$50
  - b. Priority Application Classification, 10 days; \$250
  - c. Rush Application Classification, 5 days; \$425
  
2. Security Deposit fee:
  - a. For all road cuts; \$3,000