



# **MUNICIPAL CONSENT SUBMISSION REQUIREMENTS**

REQUIREMENTS  
FOR THE INSTALLATION OF SERVICES  
WITHIN THE TOWN OF NEW TECUMSETH RIGHT-OF-WAY

December 9, 2020

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## **1. INTRODUCTION**

The objective of the Municipal Consent Requirements is to provide for the efficient review of municipal consent applications to make utility installations within the Town of New Tecumseth right-of-way, and to ensure that, the Town receives the necessary information for it to effectively fulfill its responsibility as custodian of the Town's right-of-way.

Standard Utility Corridors and alignments have been established to avoid conflicts in the planning of projects by various utilities occupying the Town right-of-way and to minimize the impact of proposed work on adjacent infrastructure.

All work within the right-of-way will require Municipal Consent from the Town via the Public Works Department.

This document applies to all utility companies, commissions, agencies, boards, associations, municipal departments and private stakeholder applicants proposing to undertake work within the Town of New Tecumseth's right-of-way.

## 2. MUNICIPAL CONSENT APPLICATION CONDITIONS

Applications are approved by the Town via the Public Works Department to allow an Applicant to perform work related to the installation and maintenance of plant within the Town's right-of-way.

The approval of a Municipal Consent is valid for a period of one year from the date of issuance. If the work is not completed in its entirety within a one year period, the applicant must reapply.

By submitting an application to perform work within the public right-of-way, the Applicant agrees to:

Indemnify and hold harmless the Town and its elected officials, officers, directors, employees, representatives, successors and assigns (collectively the Indemnities) from all claims of injury, damage or loss, including legal costs, howsoever arising, due to the construction, operation and/or maintenance of the work or temporary repairs referred to in this application unless such injury or damage was caused by the negligence or willful misconduct of the Town.

Indemnify and hold harmless the Indemnities from all claims and actions resulting from any preserved or perfected lien under the *Construction Lien Act (Ontario)* in connection with the construction, operation and/or maintenance of the work or temporary repairs referred to in this application. The Applicant shall cause any such lien or claim which may be filed or made to be released, vacated or otherwise discharged within 20 days of receiving notice of the lien or claim by the Town or otherwise. If the Applicant fails to release, vacate or discharge any such lien or claim, the Town may, but is not obligated to, obtain a discharge or release of the lien or claim or otherwise deal with the lien or claim, and the Applicant shall pay all costs and expenses, including legal fees, incurred by the Town in so doing.

Conform to and comply with all applicable laws and regulations including, but not limited to, the *Occupational Health and Safety Act (OHSA)*. The Applicant will indemnify and hold harmless the Town of New Tecumseth from and against all liability resulting from any and all failures to meet the responsibilities referred to in the OHSA, including any fine(s) levied against the Town of New Tecumseth as a result of any breach of the responsibilities of the employer for the project, to the extent attributable to the Applicant's failure to fulfill its obligations.

Perform all work in accordance with any legislated or negotiated agreements, such as municipal access agreements, applicable bylaws, the permit and this document.

### 3. DEFINITIONS

**"Applicant"** means any utility company, commission, agency, municipal department or private party applying for Municipal Consent to gain approval for the placement of apparatus within Town's Public Road Allowance.

**"Town"** means The Corporation of the Town of New Tecumseth or its authorized representative.

**"Emergency Work"** means work that must be complete immediately because health, safety or the provision of essential services is endangered. This emergency work could result from a broken watermain, gas line break, damaged hydro lines or severed telecommunication line.

**"Municipal Consent"** means the approval of a comprehensive drawing submission on the placement of apparatus within the Town's road allowance which has been approved by the Town via the Public Works Department,

**"Plant"** means any infrastructure referred to a utility system including poles, cables, pipes, conduits, pedestals, antennas, vaults, support structures or any other similar facilities or structures.

**"Public Road Allowance"** means the surface of, as well as the spaces above and below public road allowances.

**"Road Occupancy Permit"** means a permit issued by the Town for the purpose of Authorizing the commencement of all work taking place within the Town road allowance.

**"Work"** means the installation, maintenance, repair, replacement, extension or operation of any Plant in a public road allowance.

### 4. GENERAL REQUIREMENTS

In making an application for an installation within the right-of-way, the applicant must agree to the following:

- If the work arising out of an application is not commenced within six months of the issuance of the consent, the applicant will be required to apply for an extension of the municipal consent.
- A Road Occupancy Permit must be issued prior to the commencement of work on the Town road allowance.
- The applicant shall provide the Town with Acceptance Letters from utility companies and as-constructed drawings of the completed work where required, as set out in this document.

- The applicant understands and agrees that in making an application for a right-of-way municipal consent and/or permit, the applicant agrees to abide by the terms and conditions of the consent and or/permit.

## **5. WORK REQUIRING ONLY A ROAD OCCUPANCY PERMIT**

The following types of work require only a Road Occupancy Permit:

- Emergency work required to maintain or restore existing service (See Section 9.2 for Emergency Work);
- Exploratory work to investigate subsurface conditions;
- The construction of subsurface infrastructure connecting one or more individual users to the mainline distribution infrastructure, not crossing the pavement structure and not requiring the removal, relocation or alteration of the adjacent infrastructure;

All other types of work require both Municipal Consent and a Road Occupancy Permit

Applications for Road Occupancy Permits shall be made on the standard form, "Road Occupancy Permit Application ". Road Occupancy Permit Application forms are available on the Town's website and can also be obtained by contacting the Town's Public Works Department at 705-435-3900 Ext. 1400, 905-729-0057 Ext. 1400 or by email, at rop@newtecumseth.ca

The form shall be completed in its entirety and shall be submitted to the Town's Public Works Department .

A plan indicating the nature and street location of the work arising out of the application shall accompany the Road Occupancy Permit Application.

The issuance of a Road Occupancy Permit to make an installation within the Town's Road Allowance does not relieve the Applicant of the responsibility to ensure that all affected parties are notified of the work and that the appropriate locates and clearances are obtained prior to commencing any installation.

## **6. WORK REQUIRING MUNICIPAL CONSENT**

When work requires an excavation within the Town road right of way, or the work is for the placement of additional infrastructure, approval for this work is granted by a Municipal Consent. With the exception of "Emergency Work" as defined in the earlier definitions, no excavation shall commence before the issuance of a Municipal Consent by the Town.

Municipal Consents and Road Occupancy Permits are only issued to utility companies, commissions, agencies and municipal departments and private applicants which have the authority to construct, operate and maintain their infrastructure on the public road

allowance as established through legislation or terms of a Municipal Access Agreement or Franchise Agreement.

All work within the Public Road Allowance, with the exception of work specified in Section 5, requires Municipal Consent and a Road Occupancy Permit from the Public Works Department. With the exception of Emergency Works, no installation shall commence before the issuance of a Municipal Consent by the Town.

## 7. APPLICATION FORM

The application form for Municipal Consent is included in Appendix A. The application form shall be fully completed prior to submitting to the Public Works Department for review and approval. Incomplete forms will be returned to the applicant.

The date of application will be the date on which the Public Works Department receives the completed form.

One application form shall be completed for each street location where the proposed work is to be carried out. If, in the opinion of the Public Works Department, additional applications are required due to the length or scope of the work to be carried out, the applicant shall provide the requested applications.

Applications shall be submitted to the Town a minimum of 30 business days prior to the planned date of commencing the work. It is recommended that the application be submitted 90 days prior to the anticipated start of work depending on the complexity of work. The typical professional turnaround time to review and approve the municipal consent application is 15 business days. Comments and Resubmissions will extend the time requirement to obtain a Municipal Consent.

## 8. APPLICATION DRAWINGS

The Applicant shall Provide 3 **folded** copies of each drawing to be submitted for municipal consent.

### 8.1 DRAWING SCALE AND UNITS:

The scale of the design drawings shall be in accordance with the general guidelines outlined in Table 1:

Table 1- General Guidelines for Drawing Scale and Units

Density of Existing Utility Plant	Horizontal Scale (Plan)	Vertical Scale (Profile)	Units
Low	1:500	1:100	Metric
High	1:200	1:100	Metric

## **8.2 DRAWING SIZE**

The maximum size of any application drawing shall be ANSI D (22" x 34")

## **8.3 DRAWING DETAILS AND DIMENSIONS**

The following information shall be accurately shown on the application drawings:

- A prominent arrow indicating the direction north
- Legend
- Scale
- Street names, property and building numbers
- 911 address in urban & rural areas
- Lot, Concession and Township if in the rural areas
- Property lines, right-of-way limits and easement limits
- Driveways
- Edge of roadway pavement or curbs
- Guide rail or cable
- Sidewalks
- Fencing
- Mature trees/dripline
- Outlines of adjacent surface and subsurface structures
- Location and depth of ditches
- Description, location and dimensions of existing adjacent plant **including municipal infrastructure**
- Description, location and dimensions of proposed plant
- All references to utility depths shall be based on geodetic elevations
- Acceptance letters Chart by other utilities with respect to existing location of their plant, location of proposed plant by the applicant and no conflict with future undertakings

For the purpose of preparing the application drawings, "adjacent surface and subsurface structures" and "adjacent plant" shall mean infrastructure that may be impacted by the work or is located within the applicable minimum clearance distances.

All dimensions pertaining to the location existing and proposed plant shall be referenced to the current and/or proposed streetline.

The drawing shall be grayscale with bold distinct line types to distinguish between types of proposed facilities.

## **8.4 DRAWINGS SIGNED/SEALED BY A PROFESSIONAL ENGINEER**

Where required under the guidelines established by the Professional Engineers of Ontario, application and asbuilt drawings shall be signed and sealed by a Professional Engineer.

## **8.5 SIGN OFF BY ADJACENT UTILITIES**

Prior to the issuance of a Municipal Consent, the applicant shall submit confirmation of clearance from all other utilities; agencies and commissions that may be impacted by the proposed work.

## **9. REVIEW AND APPROVAL PROCEDURES**

### **9.1 GENERAL**

Only upon receipt of a complete application by the applicant will the Public Works Department commence the review of the application. Incomplete applications will be returned to the applicant.

Upon completion of the review of the Municipal Consent Application, a copy of the approved application will be forwarded to the applicant. In the event the application is not approved, the application form will be returned to the applicant together with covering letter from the Public Works Department, which will identify the deficiencies with the application.

The issuance of a Municipal Consent by Town does not relieve the applicant of the responsibility to ensure that the notification requirements of this procedures manual are properly carried out and that the appropriate stakeouts and clearances are obtained prior to commencing the installation of the proposed work.

### **9.2 APPLICATIONS FOR EMERGENCY WORK**

A review of applications for Emergency Work will be given priority by the Town. Applications for Emergency Work will normally be processed by The Town within 5 business days upon receipt of a complete application.

The requirement of emergency work shall not apply to work requiring a new excavation and be limited to the repairs or actions required in response to a failure of, or damage to, existing plant that results in, or has the potential to result in, danger to the public, a loss of an essential service, and/or damage to infrastructure or other utility plant

Emergency Work is permitted prior to submission of a Road Occupancy Permit Application by notifying the Public Works Department (705-435-3900 Ext. 1400 or 905-729-0057 Ext. 1400) of the emergency prior to doing any repairs. The completed Road Occupancy Permit Application must be submitted to the Public Works Department upon completion of the emergency repairs on the next business day.

In the event that EMS or police assistance is required, call 911.

If the installation of new or additional infrastructure is required for the emergency repair, a Municipal Consent Submission must be submitted to the Public Works Department on the next business day.

### **9.3 CHANGE REQUESTS FOR APPROVED WORK**

In the event the work, for which Municipal Consent has been issued, requires the relocation of any existing plant then the applicant shall stop or if the work has not commenced, reschedule the work, until such time that the Town has received an application for and approved the proposed location for the relocated Plant.

Any request for changes to an issued Municipal Consent must be reviewed and approved by the Town via the Public Works Department. Depending on the nature and extent of the requested change, the Applicant may be required to:

- meet with the Town Staff in the field to review the proposed change
- submit, in writing, an explanation of the proposed change
- submit a revised drawing highlighting the proposed change
- obtain sign-off from owners of affected plant
- submit a new application for the revised work

### **9.4 ABANDONED/DECOMMISSIONED INFRASTRUCTURE**

The utility company shall continue to be responsible and liable for all abandoned infrastructure and any issues that arise as a result of that abandoned infrastructure until such time that it has been completely removed from the right-of-way to the satisfaction of the Town.

**Note:** This responsibility shall include, but not be limited to, providing all available information for any abandoned or decommissioned plant as part of the Applicant's response to any request for information by the Public Works Department or other Town staff. Preference is for the complete removal of all abandoned plant.

### **9.5 REVIEW OF APPLICATIONS FOR WORK IN OR UNDER NEW ROAD SURFACES**

In the event an application is received for work in or under a road surface that is 10 years old or less, the Town shall undertake a comprehensive review of the proposed working area, type and methods of construction to mitigate the potential negative impact the proposed work may have on the Road Authorities investment of public funds in the road allowance.

The comprehensive review shall include a meeting with the applicant and its contractor to discuss the following:

- alternative means of meeting the applicant's servicing objectives by investigating alternate routes, availability of spare capacity, reactivation of abandoned plant, utilization of abandoned conduits, trenchless technologies, etc.

- Reason for proposed methods of installation if deemed harmful to the new pavement structure
- Roadway restoration details including full lane Asphalt replacement (i.e. centre line of road to edge of pavement for length of repair)

**10. DOCUMENTS REQUIRED ON SITE**

The Applicant shall ensure that, as a minimum, copies of the following documents are kept on-site at all times and shall make these documents available for viewing immediately upon being requested to do so by Town Staff:

- Locates
- Reason for proposed methods of installation if deemed harmful to the new pavement structure
- cut permission and Road Occupancy Permit
- Approved Municipal Consent drawings
- Notification to adjacent residences and businesses, where applicable
- Minutes of pre-construction meeting, where applicable
- Any documents required to be kept on-site under other legislation

**11. SITE ACCESS AND INSPECTION**

Authorized representatives of the Town, having the required personal protective equipment, shall at all times have access to the work site to monitor the progress of the work to whatever extent they deem appropriate and to determine compliance with the Municipal Consent Requirements (MCR), permit requirements and any other instructions issued by an authorized representative of the Town. The Applicant is cautioned that lack of such compliance may result in a stop work order being issued or cancellation of the permit and that such violations will be documented and kept on file.

The Applicant shall immediately cease the work or any part there of when directed to do so, verbally or in writing, by an authorized representative of the Town, or any other party having proper jurisdiction. Verbal orders shall be followed by written notification within 24 hours stating the reasons for the order to stop work. The work or affected part thereof shall not resume until any such violation has been rectified to the satisfaction of the Town.

**12. WORK SITE**

The Applicant is responsible for maintaining the work site and surrounding area free of dust and mud. The Applicant shall clean the road and sidewalks as required to the satisfaction of the Town.

Prior to the start of any construction activity, filter cloth shall be placed between the frames and covers of all catch basins within the immediate area to prevent the entry of construction dirt and debris. All filters are to be removed immediately when the works have been completed and the area stabilized.

The Applicant shall keep the site and work in as tidy a condition as practicable and to the satisfaction of the Town. The Applicant shall not deposit any material on any portion of street, sidewalk, boulevard, grass plot, or other Town or public property without the permission of the Town and shall remove same without delay when and as directed by the Town. Upon completion of the work, the Applicant shall remove all surplus materials as well as any rubbish accumulated on account of the work, make good any defects or damage and shall leave the site in a condition satisfactory to the Town.

Should the Applicant fail to comply with this requirement and maintain the street in a satisfactory condition, the Town, acting reasonably, without further notice, may issue a stop work order, cancel the permit, charge the Applicant under applicable bylaws and/or arrange for the site to be cleaned immediately by others. All costs incurred in cleaning the dust and mud resulting from the Applicant's work shall be charged to the Applicant.

### **13. NON COMPLIANCE**

Should any construction begin that is not in strict compliance with the conditions of the permit and this document, the Applicant may be issued a stop-work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in-full and the permit may be cancelled, at the sole discretion of the Town.

Depending on the severity of the infraction, the issuance of new permits for some or all work by the same Applicant may be withheld or delayed, at the sole discretion of the Town, until the infraction has been addressed by Applicant to the satisfaction of the Town.

### **14. BACKFILL AND RESTORATION**

All restoration shall be completed by and at the expense of the Applicant.

#### **14.1 TEMPORARY RESTORATION**

Upon being notified that the temporary restoration has not been carried out to the satisfaction of the Town, the Applicant shall rectify the deficiencies within 24 hours. The Town may, in its sole discretion, accept a request from the Applicant for another timeline where justified by the nature and extent of work required. If the deficiencies are not rectified by the required deadline, the Town may undertake remedial restoration, which may include complete excavation of the cut, and charge back all associated expenses, including mobilization costs, to the Applicant.

#### **14.2 PERMENANT RESTORATION**

Upon being notified by the Town, in its sole discretion, that a permanent repair made by the Applicant is unacceptable, the Applicant shall, within 72 hours, investigate and respond in writing with a firm timeframe for rectification of the deficient work. The

Town will have sole discretion regarding the acceptability of the proposed timeframe. If the Applicant cannot perform the rectification within the accepted timeframe, the Town may undertake remedial restoration, which may include complete excavation of the cut, and charge back all associated expenses, including mobilization costs, to the Applicant.

#### **14.3 EMERGENCY REPAIRS**

Notwithstanding the above, if deficiencies in the temporary or permanent repair performed by the Applicant pose a safety hazard, the Town, in its sole discretion, may immediately undertake remedial restoration, which may include complete excavation of the cut, and charge back all associated expenses, including mobilization costs, to the Applicant.