



THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 92-199

A By-law To Adopt Procedures Relative
to Construction / Excavation on Public Highways
In The Town Of Halton Hills

WHEREAS Section 314, Paragraph 1 of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes Council to pass By-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges.

AND WHEREAS Section 207, Paragraph 43 of the Municipal Act, authorizes Council to pass By-laws for closing temporarily any highway or portion of a highway under the jurisdiction of the Town for any period during the construction, repairing or improvement of any such highway or portion thereof, or of any works under, over, along, across or upon such highway or portion.

AND WHEREAS the Council for the Town of Halton Hills considers it necessary and desirable to enact a By-Law to adopt procedures relative to construction and excavation on municipal road allowances within the municipality thereof;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. In this By-law:
 - (a) "Applicant" means any person who applies for a Permit or to whom a Permit has been issued under this By-law;
 - (b) "Highway" means a highway as defined in Section 1 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 and includes a street and a bridge forming part of a highway or on, over, or across which a highway passes and includes the whole of the road allowance;
 - (c) "Permit" means a Permit issued under authority of the Town Engineer in accordance with the provisions of this By-Law;
 - (d) "Public Utility Coordinating Committee" means a utility committee comprised of members from Bell Canada, Union Gas, Halton Cable, Region of Halton, Halton Hills Hydro, Canada Post and the Town of Halton Hills.
 - (e) "Town" means The Corporation of the Town of Halton Hills;
 - (f) "Town Engineer" means the Town Engineer of the Corporation of the Town of Halton Hills, or any person designated by him to act on his behalf with respect to matters contained within this By-law;
 - (g) "Working day" means any Monday to Friday inclusive, which is not a statutory or designated holiday, between 08:30 and 16:30 hours or those hours may be extended at the discretion of the Town Engineer.

2. The Town Engineer is hereby authorized by Council to issue a Permit to any Applicant who intends to commence construction or any work over, on, under, or adjacent to any Municipal highway which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway, in accordance with the provisions of this By-Law and to stop any person carrying on any work over, on, under, or adjacent to any highway without a Permit issued under this By-Law.
3. No person shall commence construction or repair of any work over, on, under, or adjacent to any Municipal highway which is likely to require the temporary closing, obstruction or encumbering of part or all of such highway:
 - (a) Without a permit or where a Permit has been issued, not in conformance with the conditions listed on the Permit;
 - (b) Unless signs, barricades and other traffic control devices have been provided and, if necessary, until alternative traffic routes have been established in accordance with the provisions of Section 5 of this By-law.
4. Prior to the issuance of a Permit, the Applicant shall provide the following to the satisfaction of the Town Engineer:
 - (a) A fully completed Application Form attached hereto as Schedule "A" forming part of this By-law;
 - (b) A non-refundable administration fee of \$50.00 to be used for administration purposes. This administration fee shall not be required for Applications from members of the Public Utilities Coordinating Committee;
 - (c) A valid Certificate of Insurance with respect to liability for property damage and personal injury, for a minimum amount of \$2,000,000.00, for any one accident or occurrence and the Certificate of Insurance shall remain in force until the Town approves the works;
 - (d) Any other supportive material as requested by the Town Engineer;
 - (e) A cash deposit in the amount of one and one half times the value of the final restoration costs, as set out in Schedule "A", attached to and forming part of this By-Law. This cash deposit shall not be required of members of the Public Utilities Coordinating Committee
5. If the work to be undertaken necessitates a temporary highway closure, the Applicant for the Permit shall take such steps as reasonable and necessary to advise and accommodate all persons who will be affected by the temporary closure of the highway and the following conditions must be complied with:
 - (a)
 - (i) If the work to be undertaken does not necessitate a temporary highway closure, an Application to the Town Engineer for a Permit shall be made at least two (2) working days before the date of commencement of the work.
 - (ii) If the work to be undertaken necessitates a temporary highway closure for thirty (30) days or less, an Application to the Town Engineer for a Permit shall be made at least seven (7) days before the date of commencement of the work.

- (iii) If the work to be undertaken necessitates a temporary highway closure in excess of thirty (30) days, then the Applicant shall require a By-Law from the Town authorizing the work to be performed. This Application shall be made at least twenty-one (21) days prior to the commencement of the work.
 - (b) Notwithstanding the provisions of Section 4, if the work to be undertaken is required immediately for public health, safety or welfare reasons, an Application to the Town Engineer for a Permit shall be made within the first four (4) hours of the first working day after the date of commencement of the work.
- 6. When a Permit has been issued, the Applicant shall, during the course of the work;
 - (a) maintain a reasonable safe alternate route for vehicular and pedestrian traffic;
 - (b) provide and maintain reasonable local access route for all property owners or occupants whose access will be affected by the proposed works;
 - (c) supply, erect and maintain, at his own expense, all barricades, signs, covers, lights, traffic control persons and other devices in accordance with the Ontario Manual of Uniform Traffic Control Devices and the Traffic Control Manual for Roadways Works Operations (Field Edition) as may be required by the Town Engineer to protect the vehicular and pedestrian traffic; and
 - (d) provide and maintain pedestrian traffic routes which are separated from vehicular traffic and the project site in a manner satisfactory to the Town Engineer.
- 7. Where an Applicant fails to comply with any of the provisions of Section 6, the Town may perform the works necessary to effect compliance with Section 6 and all costs and expenses incurred, thereby, shall be borne by the Applicant including a fifteen (15) percent administration fee.
- 8. In the event that no work has commenced within three (3) months from the date of issuance of a Permit, the Permit shall automatically expire. The administration fee shall be retained by the Town and any cash deposit shall be returned to the Applicant.
- 9. If the works to be undertaken have been initiated and cannot be completed by the completion date set out in the Permit, the Applicant shall obtain permission from the Town Engineer for an extension of the completion date and the Application shall be made at least two (2) working days prior to the completion date set out in the Permit.
- 10. (a) No Applicant shall remove, relocate, alter, conceal from view or interfere with any traffic control devices in the course of carrying out the work;
 - (b) If an Applicant requires existing traffic control devices to be temporarily removed or relocated, he shall request the Town to undertake such removal and relocations and all costs thereby incurred shall be borne by the Applicant.
- 11. All works to be undertaken relative to a Permit issued under this By-law shall be carried out in a manner which is satisfactory to the Town Engineer.
- 12. (a) If a hazardous condition arises during the course of the work undertaken by the Applicant, the Applicant shall immediately notify the Town Engineer and any affected utility company of the condition.

- (b) When a hazardous condition arises during the course of the work undertaken by the Applicant, the Town Engineer may order the highway closed, the work halted or other appropriate remedial action to be taken.
13. The Applicant shall be responsible for all damages to all existing services when such damages arise out of the work undertaken by the Applicant.
 14. Upon completion of the work, Applicants who are members of Public Utility Coordinating Committee shall restore all areas affected by the work to the satisfaction of the Town Engineer.
 15. Upon completion of the work the Applicants, who are not Public Utility Coordinating Committee members, shall complete the following to the satisfaction of the Town Engineer:
 - (a)
 - (i) Restore all subsurface works including the compaction of backfill material;
 - (ii) Restore all areas affected by the work excluding asphalt and concrete curbs and sidewalks;
 - (ii) Temporarily restore the roadway and sidewalk areas effected by the work by the means set out on the Permit.
 - (b) Using the restoration security taken under Section 4 (e) of this By-law, the Town Engineer will arrange for the permanent restoration of the asphalt and concrete curbs and sidewalks.
 - (c) Upon the completion of the permanent restoration works the Town shall reimburse the Applicant any excess monies deposited but not used by the Town to restore the works and the Applicant shall reimburse the Town for any costs of restoration above the monies deposited with the Town within thirty (30) days of receiving an invoice for payment from the Town.
 16. The Applicant shall guarantee the workmanship and materials of all the work performed under Section 14 and 15(a) within the limits of the highway for a period of twelve (12) months from the date of receiving the Town's approval of the work.
 17. The Applicant shall pay interest at the rate of fifteen (15) percent per annum to the Town on all sums of money payable herein which are not paid by the due dates, calculated from such due dates.
 18. Every person who uses a highway, or portion of a highway which has been closed to traffic under this By-law, does so at his own risk and the Town is not liable for any damages sustained by reason of the person using the highway or portion thereof so closed to traffic.
 19. The Applicant agrees to indemnify and save harmless the Town from all actions, causes of actions, suits, claims, demands and costs whatsoever arising by reason of the Applicant, his agents or employees doing, failing to do, or doing incorrectly or negligently anything the Applicant is required to do under the terms of a Permit and the Applicant will be responsible for damages, injuries or accidents resulting from any of his operations, or caused by reason of the existence of location or condition of the construction site, or of any materials, plants, or equipment used in connection with the works performed as a result of a Permit.

20. (a) Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine in accordance with the provisions under the Provincial Offenses Act R.S.O. 1990, Chapter P.33 as amended exclusive of costs and every such penalty shall be recoverable under the same Provincial Offenses Act R.S.O 1990 Chapter P.33 as amended.
- (b) Notwithstanding the provisions of subsection 20(a), a person who, without lawful authority, uses a highway or portion thereof closed to vehicular traffic and protected pursuant to this By-law, and/or who removes or defaces any barricade, traffic control device, detour sign or notice placed therein under this By-law, is guilty of an offence and, on summary conviction, is liable to a fine in accordance with the provisions of the Provincial Offenses Act, R.S.O. 1990, Chapter P.33 as amended and is also liable to the Town for any damage or injury occasioned by such wrongful use, removal or defacement.
21. If any section, clause or provision of this By-law, including anything contained in the schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
22. In this By-Law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
23. This by-law repeals former Corporation of the Town of Acton, By-Law 73-3, a by-law to adopt procedures relative to construction on municipal road allowance in the Town of Acton.

BY-LAW read a First, Second and Third time and finally passed this 14th day of December, 1992.

MAYOR

CLERK

SCHEDULE 'A'

P.O. Box 178
1 Halton Hills
HALTON HILLS (Georgetown)
Ontario
L7G 5G2



APPLICATION FOR PERMIT FOR CONSTRUCTION/EXCAVATION ON PUBLIC HIGHWAYS

Permit # _____ Date of Application _____

Type and Duration of Work _____

Location of Work _____

Owner's Name _____

Address _____

Postal Code _____ Phone Number _____

Contractor/Applicant's Name _____

Address _____

Postal Code _____ Phone Number _____

Contact Person _____ Title _____

Contractor's Liability Insurance: (Min.: \$2,000,000.00)

Company Name _____ Policy # _____

(a) Administrative Fee (Non-refundable) \$ 50.00

(b) Final Road Works Restoration Security (minimum \$500.00) - one and one half times the value of the estimated cost. \$ _____

Amount Payable \$ _____

Restoration Requirements:

___ Temporarily restore roadway and sidewalk with cold mix asphalt

___ Temporarily restore roadway and sidewalk with hot mix asphalt

___ Complete permanent restoration of roadway and sidewalk.

Other Conditions of Permit: _____

The applicant agrees to all conditions as shown herein and on the reverse side of this permit and as set out in Town of Halton Hills By-law No. 92 - For Construction/Excavation on Public Highways.

Name and Title of Applicant _____

Signature of Applicant _____

Dated _____

Engineering Staff _____

White - Office

Green - Public Works Dept.

Canary - Applicant

Phone: (416)873-2600

Toronto (416)798-4340

Fax (416)873-2347