



By-law No. 2010-169

“A By-law to Regulate and Control the Temporary Closure and Occupation Of Streets for the Purpose of Performing Work in or on Any Highway in the City of Owen Sound”

Originally Passed and Enacted August 23, 2010

Amended By By-law:	Passed On:
Not Amended	

Consolidated Version
Revised and Verified April 9, 2014

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

BY-LAW 2010-169

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO REGULATE AND CONTROL THE TEMPORARY CLOSURE AND OCCUPATION OF STREETS FOR THE PURPOSE OF PERFORMING WORK IN OR ON ANY HIGHWAY IN THE CITY OF OWEN SOUND

WHEREAS The Corporation of the City of Owen Sound is desirous to regulate and control the temporary closure and occupation of streets for the purpose of performing work in or on any street within the City of Owen Sound,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

SECTION 1. SHORT TITLE

1.1 This By-law may be cited as the City of Owen Sound Street Occupation By-law.

SECTION 2. DEFINITIONS

2.1 **CITY** means the Corporation of The City of Owen Sound.

2.2 **ENFORCING OFFICER** means a Municipal Law Enforcement Officer or anyone appointed by the City of Owen Sound to enforce the provisions of this By-law.

2.3 **PERSON** means any person, firm or corporation.

2.4 **STREET** means a road allowance, boulevard, highway, thoroughfare, road, lane, alley, avenue, street, bridge, parkway, crescent, court, court yard, public driveway, common or public square, public place, sidewalk, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

SECTION 3. GENERAL PROVISIONS

3.1 Except as permitted in Clauses 3.3 and 3.5 hereof, or otherwise permitted by the City, no person shall close, obstruct, encumber, injure or foul any City street by placing a tent, lean to, fence, hoarding, structure, or any chattel thereon, or excavate or in any way disturb the surface or other soil or material thereon, without a Street Occupation Permit approved by the Manager of Engineering Services.

3.2 Without a "Street Occupation Permit", no person shall close, obstruct, encumber, injure or foul any street in the City by any means whatsoever, including the installation or repair of any public utility, except when carried out in accordance with the regulations set out in subsections 3.2.1 to 3.2.14 hereof:

3.2.1 Every person, intending to occupy a City street, shall deliver notice of this intention in writing to the Manager of Engineering Services of the City or their designate, at least 3 working days in advance of said closing or occupancy on residential streets.

3.2.2 Every person, intending a complete road closure on any street or occupation of signalized intersections or arterial or collector streets as set out in the Official Plan of the City, shall deliver notice of this intention in writing to the Manager of Engineering Services of the City or their designate, at least 10 working days in advance of said closing or occupancy on residential streets.

3.2.3 The person delivering the required notice as set out above, shall apply for a "Street Occupation Permit" on the prescribed form which is attached herewith and marked as Schedule 'A' to this By-law. The Manager of Engineering Services may, from time to time, cause amendments of an administrative nature to be made to the Street Occupation Permit form.

3.2.4 The application shall be in the name of the person performing the intended work and not in the name of an agent for the said person. The Applicant shall indicate the intended starting date and duration of such closure or occupancy. The Applicant shall provide public liability insurance, satisfactory to the City of Owen Sound, to indemnify and save harmless the City for the duration of the work as described in the permit.

3.2.5 If the intended closure or occupancy involves the alteration, breaking or disturbance of existing works such as pavement, gutter, curb, boulevard or sidewalk, the limits of such destruction shall be set out on the application and:

3.2.5.1 The Applicant shall carry out the permanent renewal of the pavement, gutter, curb, boulevard or sidewalk repairs as set out in the permit to ensure permanent repairs are completed as expeditiously as possible;

3.2.5.2 The Applicant shall make a satisfactory deposit for such work at the time of application for the permit.

3.2.6 The Applicant shall maintain and be liable for temporary repairs of the work until such times as permanent renewal is completed for the work described in the permit.

3.2.7 The Applicant shall provide all signs, barricades, traffic control devices, traffic control persons or other persons and equipment as determined by the City at the location of the closure or occupancy, prior to commencement of the work, at the sole responsibility and cost of the Applicant.

3.2.8 The Applicant shall maintain access to all public and private properties during the period of the permit.

3.2.9 The Applicant shall have the permit available at all times during which any alterations, breaking or disturbance is under way.

3.2.10 If the Applicant should fail to fulfil the requirements of the permit, the permit shall become null and void, and in that event a new application for a permit shall be made.

3.2.11 The Applicant shall notify the Manager of Engineering Services of the additional time required and the reason for this extension, when conditions or unforeseen difficulties require a longer period for completion than indicated on the permit.

3.2.12 The Engineering Services Division shall notify essential services prior to construction upon approval of the Street Occupation Permit.

3.2.13 The Applicant shall request all marking or other location information to determine the location and provide safeguards for all utilities, both public and private, in accordance with current regulations.

3.2.14 If the Applicant fails to carry out work in a timely or efficient manner may result in the City repairing such work at the expense of the aforesaid deposit;

3.3 The City's Street Occupation Permit Standards, attached herewith and marked as Schedule 'B' to this By-law, shall form a part of this By-law. The

Manager of Engineering Services may, from time to time, cause amendments to be made to the Street Occupation Permit Standards.

3.4 Where a utility or public service company or commission requires to occupy or close a City street as a result of an emergency, telephone notice shall be given immediately to the Engineering Services Division of the City and Owen Sound Police Services and on the next working day they shall make application for a permit on the prescribed form.

3.5 Where a street or portion thereof is closed or occupied under the authority of a Street Occupation Permit, the Applicant shall provide and keep in repair a reasonable temporary alternative route or detour for traffic and pedestrians where applicable, around the work site, as approved by the City, all at the cost of the Applicant.

3.6 The Applicant shall be responsible for all maintenance or repair of work completed under the terms of the permit, until accepted as satisfactory by the City, unless same has been completed by the City on behalf of the Applicant.

SECTION 4. PENALTY

4.1 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction therefor is subject to the penalty set out in the Provincial Offenses Act.

4.2 By-law No. 1995-195 is hereby repealed.

4.3 This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 23th day of August, 2010.

Signature on File

Mayor

Signature on File

Acting Clerk

SCHEDULE 'A'
TO BY-LAW 2010-169

- 1. STREET OCCUPATION PERMIT
FOR CONSTRUCTION OF OFF-STREET PARKING**
- 2. STREET OCCUPATION PERMIT**



Operations Department
 Engineering Services Division
 1900 20th Street East
 Owen Sound, ON N4K 5N3

Schedule 'A' to By-law 2010-169
Form 1 - Street Occupation Permit

Applicant: _____ Address: _____ City: _____ Prov.: _____ Code: _____ Phone: _____ Fax: _____ e-mail Optional): _____ Occupancy Date: _____ Permit Expiry Date (90 days max.): _____ Location Address and Description of work to be performed: _____ _____ _____	CONTACT INFORMATION Site Supervisor: _____ Name: _____ Phone: _____ After Hours Contact: _____ Phone: _____ <div style="border: 2px solid black; padding: 5px; text-align: center; width: fit-content; margin: 10px auto;"> Permit No. </div>
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Road Closure Yes No Single lane Multiple lanes Full Various locations

Road Classification Arterial Collector Local **Surface Treatment:** _____

Detour Via: _____

Excavate Roadway Curb Sidewalk Boulevard Entrance

Purpose Main Line Extension Service Lateral(s) Relocation Maintenance Abandonment

SECURITY DEPOSITS

Road Cut area	_____ m ²	Estimated value: \$	_____
Sidewalk quantity	_____ m	Estimated value: \$	_____
Curb quantity	_____ m	Estimated value: \$	_____
Boulevard area	_____ m ²	Estimated value: \$	_____
Performance Bond \$ _____		TOTAL SECURITY: \$	_____

REQUIRED PRIOR TO ISSUANCE OF THE PERMIT:

_____ Liability Insurance certificate showing \$2,000,000.00 minimum coverage with the City of Owen Sound named as an insured party.

_____ \$50.00 Permit paid by: Cheque Cash Money Order Other

_____ Required Deposit: \$ _____ Paid by: Cheque Cash Money Order Other

Received by: _____ **Date:** _____

_____ Sketch of proposed street occupation c/w Traffic Plans showing closures, detours, etc.

FOR OFFICE USE ONLY	
APPLICATION APPROVAL Date: _____ Signature: _____ Engineering Services Division	FINAL /INSPECTION APPROVAL Date: _____ Signature: _____ Engineering Services Division

CONDITIONS OF APPROVAL

1. APPLICANT MUST NOTIFY THE ENGINEERING SERVICES DIVISION (519-376-4530) 24 HOURS BEFORE COMMENCING ANY BACKFILL OPERATIONS ON CITY PROPERTY.
2. I/WE HEREBY MAKE APPLICATION TO OCCUPY THE DESIGNATED STREET(S) FOR THE PURPOSES DESCRIBED ABOVE AND AGREE TO ABIDE BY THE TERMS OF BY-LAW 2009-082 AND THE CONDITIONS ESTABLISHED ON THIS APPLICATION, AS NOTED OVERLEAF.
3. I/WE AGREE TO ASSUME ALL LIABILITY AND/OR COSTS INCURRED BY THE CORPORATION AS A RESULT OF STREET OCCUPANCY AND TO MAINTAIN THE WORK AREA TO INDEMNIFY AND SAVE HARMLESS THE CORPORATION UNTIL FINAL COMPLETION AND APPROVAL OF THE WORKS.

FOR UTILITY LOCATES CALL:

ONTARIO ONE CALL: 1-800-400-2255

72 HOURS NOTICE IS REQUIRED

CITY OF OWEN SOUND CONTACTS:

PUBLIC WORKS DIVISION (519) 376-4274

ENGINEERING SERVICES DIVISION (519) 376-4530

FAX: (519) 372-1209

GENERAL CONDITIONS

ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING CONDITIONS:

1. Any person or persons intending to occupy or perform work on City of Owen Sound property must first apply to the City Engineering Services Division for a Street Occupation Permit. This permit must be obtained prior to commencement of work and notification of emergency services.
2. The permit must be in the name of the person or persons performing the work and not in the name of an agent or utility for whom he/she is acting. The applicant must indicate the intended starting date and duration of occupancy at least 72 hours prior to commencing the work described in the permit.
3. The applicant assumes all maintenance and liability for temporary repairs until such time as permanent repairs are completed for the work described herein.
4. The applicant, pursuant to the by-law, shall have the permit available for inspection at all times during which the work is in progress.
5. The permit becomes null and void if the applicant should fail to meet the requirements of the permit. The Manager of Engineering Services or his designate may then take actions, at the applicant's expense, deemed necessary to reinstate the site for public safety. In all cases, the decision of the Director of Operations or designate is final.
6. When unforeseen circumstances necessitate an extension of the permit, or a change of any of the conditions under which the permit was issued, the holder of the permit shall apply for such change at least 24 hours in advance. Failure to do so will render the permit void. Notwithstanding the forgoing, the permit expires 90 days following approval and a new permit will be required.
7. All barricades, signs, signals, traffic control persons, traffic control devices, detour design and signage shall meet all City of Owen Sound and MTO requirements and shall be the sole responsibility of the applicant.
8. The applicant shall maintain access to all public and private properties for the duration of the work. The applicant will provide 48 hours written notice to affected property owners prior to when the work is to commence and/or a road/street closure is undertaken.
9. It shall be the applicant's responsibility to request marking or other information to determine the location and provide safeguards for all utilities, both public and private, in accordance with current regulations.
10. Excavated material shall not be stored in such a manner as to obstruct pedestrian or vehicular traffic. Clay in fluid state, frozen material, organic material, silt or mud shall be excluded from backfill. This may require that all excavated material be replaced by granular base material. Backfill material shall be compacted in layers, the maximum thickness being 30 centimetres. A surface treatment of accepted impervious materials may be placed and maintained until permanent reinstatement has been completed.
11. The applicant shall reinstate all damage, disruption or removal of existing works such as roadway, curb, sidewalk etc., as described in the permit, and damages related to the work activity, to City of Owen Sound Standards. FAILURE TO RE-INSTATE THE AFFECTED AREAS WILL RESULT IN THE CITY OF OWEN SOUND PERFORMING THE REQUIRED REPAIRS AT THE APPLICANT'S EXPENSE.
12. The Utility/Contractor is responsible for obtaining all other necessary agency approvals (i.e. County of Grey, MOE, MNR, GSCA, Ministry of Labour, Building Permits, etc.) and compliance with any applicable provincial legislation. The contractor shall show proof, if required by the City, of all approvals. The Contractor shall furnish the City with a copy of a Ministry of Labour Notice of Project Form, if required, and a WSIB Certificate.
13. THIS PERMIT MUST BE ACCOMPANIED BY A LIABILITY INSURANCE CERTIFICATE IN THE AMOUNT OF \$2,000,000.00 Cdn NAMING THE CORPORATION OF THE CITY OF OWEN SOUND AS INSURED TOGETHER WITH ALL APPLICABLE FEES AND SECURITY DEPOSIT.
14. CONTRAVENTION OF THE PROVISIONS OF THE BY-LAW IS SUBJECT TO A PENALTY OF UP TO \$5,000.00 FOR EACH OFFENCE.

The information on this application is gathered in accordance with the Municipal Act, Chapter M.45, R.S.O. 1990. The information collected will be used by City staff to determine eligibility for a Street Occupation Permit. All information of a personal or private nature is protected by the Municipal Freedom of Information and Protection of Individual Privacy Act, Chapter M.45, R.S.O. 1990. Any or all of the information contained on this form may be subject to disclosure under the said Act if circumstances warrant.



Operations Department
 Engineering Services Division
 1900 20th Street East
 Owen Sound, ON N4K 5N3

Schedule 'A' to By-law 2010-169

**Form 2 - Street Occupation Permit
 For Construction of Off-Street Parking**

Applicant: _____ Address: _____ City: _____ Prov.: _____ Code: _____ Phone: _____ Fax: _____ e-mail Optional): _____ Occupancy Date: _____ Permit Expiry Date (90 days max.): _____ Location Address and Description of work to be performed: _____ _____ _____	CONTACT INFORMATION Site Supervisor: _____ Name: _____ Phone: _____ After Hours Contact: _____ Phone: _____	<table border="1" style="width:100%; height: 40px;"> <tr> <td style="text-align: center;">Permit No.</td> </tr> </table>	Permit No.
Permit No.			

REQUIRED PRIOR TO ISSUANCE OF THE STREET OCCUPATION PERMIT:

- _____ Liability Insurance certificate showing \$2,000,000.00 minimum coverage with the City of Owen Sound named as an insured party.
- _____ \$50.00 Permit paid by: ___ Cheque ___ Cash ___ Money Order ___ Other
- _____ Required Deposit: \$ _____ Paid by: ___ Cheque ___ Cash ___ Money Order ___ Other
- _____ **Received by:** _____ **Date:** _____
- _____ Sketch of proposed street occupation c/w Traffic Plans showing closures, detours, etc.
- _____ \$250.00 Off-Street Parking Facility Inspection Fee paid (if applicable)
- _____ **Off-Street Parking Permit Approval Received from By-law Division**

Declaration Of Contractor Regarding Construction Of Off-Street Parking Facilities:

I/We, _____ certify that the approved off-street parking facilities will be constructed in general compliance with the approved site layout, City of Owen Sound Policy CS-74 and City of Owen Sound Standard Drawings OSS-112 and OSS-113 (if applicable).

Signature: _____

Company: _____

Date: _____ Inspection by City staff required: ___ Yes ___ No

NOTE: An inspection fee of \$250.00 is levied if the inspection of the off-street parking facility is to be performed by City of Owen Sound staff.

FOR OFFICE USE ONLY

APPLICATION APPROVAL

Date: _____

Signature: _____

Engineering Services Division

FINAL/INSPECTION APPROVAL

Date: _____

Signature: _____

Engineering Services Division

CONDITIONS OF APPROVAL

1. APPLICANT MUST NOTIFY THE ENGINEERING SERVICES DIVISION (519-376-4530) 24 HOURS BEFORE COMMENCING ANY BACKFILL OPERATIONS ON CITY PROPERTY.
2. I/WE HEREBY MAKE APPLICATION TO OCCUPY THE DESIGNATED STREET(S) FOR THE PURPOSES DESCRIBED ABOVE AND AGREE TO ABIDE BY THE TERMS OF BY-LAW 2009-082 AND THE CONDITIONS ESTABLISHED ON THIS APPLICATION, AS NOTED OVERLEAF.
3. I/WE AGREE TO ASSUME ALL LIABILITY AND/OR COSTS INCURRED BY THE CORPORATION AS A RESULT OF STREET OCCUPANCY AND TO MAINTAIN THE WORK AREA TO INDEMNIFY AND SAVE HARMLESS THE CORPORATION UNTIL FINAL COMPLETION AND APPROVAL OF THE WORKS.

FOR UTILITY LOCATES CALL:

ONTARIO ONE CALL: 1-800-400-2255

72 HOURS NOTICE IS REQUIRED

CITY OF OWEN SOUND CONTACTS:

PUBLIC WORKS DIVISION 519-376-4274

ENGINEERING SERVICES DIVISION 519-376-4530

FAX: (519) 372-1209

GENERAL CONDITIONS

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2. The permit must be in the name of the person or persons performing the work and not in the name of an agent or utility for whom he/she is acting. The applicant must indicate the intended starting date and duration of occupancy at least 72 hours prior to commencing the work described in the permit.
3. The applicant assumes all maintenance and liability for temporary repairs until such time as permanent repairs are completed for the work described herein.
4. The applicant, pursuant to the by-law, shall have the permit available for inspection at all times during which the work is in progress.
5. The permit becomes null and void if the applicant should fail to meet the requirements of the permit. The Manager of Engineering Services or his designate may then take actions, at the applicant's expense, deemed necessary to reinstate the site for public safety. In all cases, the decision of the Director of Operations or designate is final.
6. When unforeseen circumstances necessitate an extension of the permit, or a change of any of the conditions under which the permit was issued, the holder of the permit shall apply for such change at least 24 hours in advance. Failure to do so will render the permit void. Notwithstanding the forgoing, the permit expires 90 days following approval and a new permit will be required.
7. All barricades, signs, signals, traffic control persons, traffic control devices, detour design and signage shall meet all City of Owen Sound and MTO requirements and shall be the sole responsibility of the applicant.
8. The applicant shall maintain access to all public and private properties for the duration of the work. The applicant will provide 48 hours written notice to affected property owners prior to when the work is to commence and/or a road/street closure is undertaken.
9. It shall be the applicant's responsibility to request marking or other information to determine the location and provide safeguards for all utilities, both public and private, in accordance with current regulations.
10. Excavated material shall not be stored in such a manner as to obstruct pedestrian or vehicular traffic. Clay in fluid state, frozen material, organic material, silt or mud shall be excluded from backfill. This may require that all excavated material be replaced by granular base material. Backfill material shall be compacted in layers, the maximum thickness being 30 centimetres. A surface treatment of accepted impervious materials may be placed and maintained until permanent reinstatement has been completed.
11. The applicant shall reinstate all damage, disruption or removal of existing works such as roadway, curb, sidewalk etc., as described in the permit, and damages related to the work activity, to City of Owen Sound Standards. FAILURE TO RE-INSTATE THE AFFECTED AREAS WILL RESULT IN THE CITY OF OWEN SOUND PERFORMING THE REQUIRED REPAIRS AT THE APPLICANT'S EXPENSE.
12. The Utility/Contractor is responsible for obtaining all other necessary agency approvals (i.e. County of Grey, MOE, MNR, GSCA, Ministry of Labour, Building Permits, etc.) and compliance with any applicable provincial legislation. The contractor shall show proof, if required by the City, of all approvals. The Contractor shall furnish the City with a copy of a Ministry of Labour Notice of Project Form, if required, and a WSIB Certificate.
13. THIS PERMIT MUST BE ACCOMPANIED BY A LIABILITY INSURANCE CERTIFICATE IN THE AMOUNT OF \$2,000,000.00 Cdn NAMING THE CORPORATION OF THE CITY OF OWEN SOUND AS INSURED TOGETHER WITH ALL APPLICABLE FEES AND SECURITY DEPOSIT.
14. CONTRAVENTION OF THE PROVISIONS OF THE BY-LAW IS SUBJECT TO A PENALTY OF UP TO \$5,000.00 FOR EACH OFFENCE.

The information on this application is gathered in accordance with the Municipal Act, Chapter M.45, R.S.O. 1990. The information collected will be used by City staff to determine eligibility for a Street Occupation Permit. All information of a personal or private nature is protected by the Municipal Freedom of Information and Protection of Individual Privacy Act, Chapter M.45, R.S.O. 1990. Any or all of the information contained on this form may be subject to disclosure under the said Act if circumstances warrant.

**SCHEDULE 'B'
TO BY-LAW 2010-169**

**CITY OF OWEN SOUND
OPERATIONS DEPARTMENT
ENGINEERING SERVICES DIVISION
STREET OCCUPATION PERMIT
STANDARDS**

**SCHEDULE 'B'
TO BY-LAW 2010-169**

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2. APPLICATION PROCEDURE
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5. GENERAL CONDITIONS
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SCHEDULE 'B'
TO BY-LAW 2010-169

1.0 INTRODUCTION

- 1.1 The Corporation of the City of Owen Sound Street Occupation guidelines are established to advise Utilities and Contractors of the Policies and Regulations of the Street Occupation Permit System.
- 1.2 The Street Occupation Permit system is administered and enforced by the Corporation of the City of Owen Sound Engineering Services Division and By-law Enforcement Division.
- 1.3 The Utilities and Contractors will observe the policies and regulations to ensure construction and maintenance activities do not conflict with vehicular and pedestrian traffic and are carried out in a safe, efficient and quick manner. Disruption will be kept to an absolute minimum.
- 1.4 Compliance with the guidelines will enhance public safety and promote quality restoration of the City's road system.

2.0 APPLICATION PROCEDURE

- 2.1 All works carried out in municipal road allowances by Utilities and Contractors are subject to the provisions of By-law 2010-169 "Street Occupancy" which states:

No person shall temporarily close, obstruct, encumber, injure or foul any highway, bridge, sidewalk or street in the City of Owen Sound by placing a tent, lean to, fence hoarding, structure, or any chattel thereon, or excavate or in any way disturb the surface or other soil or material thereon, without a Street Occupation Permit approved by the Manager of Engineering Services. The provision of this by-law shall not apply to any motor vehicle, as defined in the Highway Traffic Act, being located on the travelled portion of the highway.

- 2.3 Street Occupancy Permit Applications are to be made at the following location:

City of Owen Sound
Engineering Services Division
1900 20th Street East
OWEN SOUND ON N4K 5N3
- 2.4 Upon receipt of a complete application and the required application fee (Utility Companies are exempt), the Manager of Engineering Services shall review applications prior to issuance of a permit. Applications must be received 3 working days prior to the preferred date of construction.
- 2.5 The Engineering Services Division must be notified three (3) working days prior to a road occupancy and at least ten (10) working days prior to a complete road closure on any street or occupation of a signalized intersection or streets set out as arterial or collector in the City's Official plan.
- 2.6 The Contractor shall deposit either cash or a Letter of Credit along with a two million dollar (\$2,000,000.00) (Canadian) Liability Insurance certificate naming the Corporation of the City of Owen Sound safe and harmless prior to issuance of a Street Occupation permit.
- 2.7 All applications must be accompanied by an engineering drawing or sketch showing the proposed work within the City Road Allowance.
- 2.8 Inquiries concerning Street Occupancy Permits or notifications required under the permit system should be directed to the Engineering Services Division during normal business hours (8:30 am - 4:30 pm) Monday to Friday.

SCHEDULE 'B'
TO BY-LAW 2010-169

- 2.9 In the event of an emergency repair, the Contractor shall notify the Engineering Services Division immediately and submit a complete application on the next working day.

3.0 PERMIT REGULATIONS

3.1 TRAFFIC CONTROL

The Utility/Contractor shall solely be responsible for supplying, erecting and removing all traffic control signage, flagging and devices. Traffic control persons shall also be the sole responsibility of the Contractor if necessary. The Manual of Uniform Traffic Control Devices and the Ontario Traffic Manual, Book 7: Temporary Conditions shall be used in determining the necessary traffic control and pedestrian protection.

3.2 ESSENTIAL SERVICES

- a) Upon approval of the Street Occupation Permit, the Engineering Services Division will notify essential services prior to construction.
- b) Anticipated Road Closures must be accompanied with a full detour sketch approved by the Manager of Engineering Services (Emergency basis only).
- c) Utility/Contractor must notify all commercial/residential properties surrounding or affected by the closure.
- d) Any gas leaks caused by the Contractor shall be reported to the gas utility and the Fire Department immediately.
- e) The Utility/Contractor must obtain all utility locates prior to the start of construction. Any contact with overhead, above ground or underground utility plant (including electrical distribution, communications cables, water mains, gas mains, sewers and appurtenances) shall be reported immediately to the operating authority for inspection (prior to backfilling).

3.3 PERFORMANCE

- a) The Utility/Contractor shall reinstate all existing works within the road allowance to original condition or better and to the satisfaction of the Manager of Engineering Services.
- b) The performance deposit shall cover the costs of restoration and shall be drawn on by the City if the Contractor fails to restore the road allowance to standards or creates a potentially dangerous situation which must be corrected by City forces.
- c) The Contractor will normally be given 48 hours to make repairs. The Contractor is required to respond immediately if a dangerous situation exists.

4.0 PERFORMANCE, LABOUR AND MATERIALS AND MAINTENANCE DEPOSIT RATES

- 4.1 The required deposit in order to cover performance and maintenance of the restoration work shall be determined by the City.
- 4.2 The performance deposit will be based on current construction costs and will ensure adequate funds are deposited to cover the performance of the work.
- 4.3 The Contractor shall arrange for a final inspection by the Engineering Services Division once the work has been completed. The City will retain 10% of the performance deposit for a guarantee maintenance period of 2 years following successful completion.
- 4.4 Alternatively, the Utility/Contractor may submit a yearly performance bond for 50% of the estimated labour and materials instead of a cash deposit guaranteeing 10% of the value of the restoration work for a period of 2 years after obtaining final approval by the Engineering Services Division.

SCHEDULE 'B'
TO BY-LAW 2010-169

5.0 GENERAL CONDITIONS

- 5.1 Any person or persons intending to occupy or perform work on City of Owen Sound property must first apply to the City Engineering Services Division for a Street Occupation Permit. This permit must be obtained prior to commencement of work and notification of emergency services.
- 5.2 The permit must be in the name of the person or persons performing the work and not in the name of an agent or utility for whom they are acting. The applicant must indicate the intended starting date and duration of occupancy at least 72 hours prior to commencing the work described in the permit.
- 5.3 The applicant assumes all maintenance and liability for temporary repairs until such time as permanent repairs are completed for the work described herein.
- 5.4 The applicant, pursuant to the by-law, shall have the permit available for inspection at all times during which the work is in progress.
- 5.5 The permit becomes null and void if the applicant should fail to meet the requirements of the permit. The Manager of Engineering Services or his designate may then take actions, at the applicant's expense, deemed necessary to reinstate the site for public safety. In all cases, the decision of the Manager of Engineering Services is final.
- 5.6 When unforeseen circumstances necessitate an extension of the permit, or a change of any of the conditions under which the permit was issued, the holder of the permit shall apply for such change at least 24 hours in advance. Failure to do so will render the permit void. Notwithstanding the foregoing, the permit expires 90 days following approval and a new permit will be required.
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- 5.12 The Utility/Contractor is responsible for obtaining all other necessary agency approvals (i.e. County of Grey, MOE, MNR, GSCA, Ministry of Labour, Building Permits, etc.). The contractor shall show proof, if required by the City, of all approvals. The Contractor shall furnish the City with a copy of a Ministry of Labour Notice of Project Form, if required, and a WSIB Certificate.
- 5.13 THIS PERMIT APPLICATION MUST BE ACCOMPANIED BY A LIABILITY INSURANCE CERTIFICATE IN THE AMOUNT OF \$2,000,000.00 NAMING THE CORPORATION OF THE CITY OF OWEN SOUND AS INSURED TOGETHER WITH ALL APPLICABLE FEES AND SECURITY DEPOSIT.

SCHEDULE 'B'
TO BY-LAW 2010-169

- 5.14 CONTRAVENTION OF THE PROVISIONS OF THIS BY-LAW IS SUBJECT TO A PENALTY OF UP TO \$5,000.00 FOR EACH OFFENCE.

6.0 STANDARDS

The following information is intended as a guide to requirements. Please refer to the current City of Owen Sound Engineering Standards for details.

6.1 QUALITY STANDARD FOR UTILITY CUT ROADWAY RESTORATION

1. The major objective for UTILITY CUT RESTORATION is to restore the base and surface to the minimum City standards:

300 mm Granular B, 150 mm Granular A
50 mm HL-8, 40 mm HL-3

2. The level of service for UTILITY CUT RESTORATION shall be in accordance with the following:

- i) Utility cuts shall be backfilled and temporary repairs made to the street surface by the utility company or Contractor making the utility repair or installation.
- ii) Cost of the backfill, base and temporary surface repair up to one year after the installation or until the surface is permanently repaired shall be the responsibility of the utility company or Contractor.
- iii) Construction and cost of the initial permanent surface repair shall be the responsibility of the utility company or Contractor.
- iv) Additional repairs required after acceptance by the City but during the 2 year guarantee maintenance period shall be the responsibility of, with costs borne by, the utility company or Contractor.
- v) Permanent trench repair on Surface Treated roads will be made with a minimum 50 mm thickness of hot mix HL-3 asphalt.

In the event that a long, continuous trench is required on Surface Treated roads and suitable pre-arrangements are made, permanent repairs may be incorporated with the City's asphalt resurfacing annual Surface Treatment program. Alternatively, a cost sharing arrangement with the City to upgrade the road surface to hot mix asphalt may be possible.

6.2 QUALITY STANDARD FOR ROADWAY TRENCH BACKFILLING AND TEMPORARY SURFACE REPAIR

1. The major objectives for ROADWAY TRENCH BACKFILLING AND TEMPORARY SURFACE REPAIR are:

- i) To ensure that proper backfilling methods and materials are used on City of Owen Sound roads and road allowances.
- ii) To ensure that temporary surface repairs are of a nature adequate to carry the expected loads and remain in a safe condition until such time as permanent repairs can be completed.

2. The level of service for ROADWAY TRENCH BACKFILLING AND TEMPORARY SURFACE REPAIR shall be in accordance with the following:

- i) No backfill used on a City of Owen Sound road allowance may be in a fluid saturated state or frozen state unless using unshrinkable backfill. Such material must be removed and replaced with suitable granulars or sand compacted into place.

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- ii) All backfilling of excavations must proceed in lifts not to exceed 300 mm and be thoroughly compacted. Backfill shall be compacted to 95% standard proctor density.
- iii) All damage to existing utilities must be reported to the appropriate authority before any backfilling takes place.
- iv) All excavations on the travelled portion of the road must be repaired by construction to the minimum standard for road base: 300 mm of compacted granular "B" and 150 mm of compacted granular "A". Road base shall be compacted to 100% standard proctor density.
- v) Temporary surface repairs must consist of a minimum compacted depth of 50 mm of either Hot Mix Asphalt or Cold Mix Asphalt. Asphalt shall be compacted to 97% standard proctor density.

6.3 QUALITY STANDARD FOR BOULEVARD RECONSTRUCTION AND REPAIR

- 1. The major objectives for BOULEVARD RECONSTRUCTION AND REPAIR are:
 - i) To ensure that boulevards are reconstructed and maintained in a condition compatible with surrounding properties.
 - ii) To ensure the protection from erosion of plant and structures on or adjacent to boulevards.
 - iii) To enhance the appearance of City owned road allowances.
- 2. The level of service for BOULEVARD RECONSTRUCTION AND REPAIR shall be as follows:
 - 1. RESIDENTIAL (URBAN) STANDARD
 - i) Boulevards shall be reconstructed by excavating to a depth of 100 mm below finished grade. The boulevard slope and contour shall match that of existing curbs and/or sidewalks.
 - ii) The boulevard shall be filled to within 25 mm of final grade with 100 mm moderately compacted class 1 topsoil. Topsoil shall be free of stones, lumps, weeds and/or roots etc. Topsoil shall be levelled and any foreign material removed.
 - iii) Boulevard surface treatment shall be number 1 nursery sod. Topsoil shall be loosened to a depth of 25 mm and find graded. Sod shall be placed longitudinally across the boulevard with each row having staggered joints. In cases where the slope is steep, the sod shall be staked. After placement, the sod shall be rolled and well watered regularly to ensure survival.
 - iv) In boulevard areas where off-street parking permits are valid, the boulevard shall be re-instated to the same or better conditions as were present before the start of construction.
 - 2. RURAL STANDARD
 - i) Rural boulevards are those adjacent to non-residential type properties where natural weed and grass growth is present. These boulevards are maintained by the City of Owen Sound.
 - ii) Boulevards shall be reconstructed and repaired using 100 mm of topsoil, shaped to adjacent contours and over seeded with grass seed. Repaired areas shall be free of foreign materials that may impede mowing.
 - iii) In areas where there is a potential for erosion, Residential Urban Standard shall apply.

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3. In areas where the boulevard is asphalt fillet, the fillet shall be replaced with:
 - 100mm compacted Granular A, 50 mm HL-3 hot asphalt where no vehicle traffic is anticipated, or,
 - 300mm compacted Granular A, 50mm HL-3 hot asphalt where vehicle loading is present.

6.4 QUALITY STANDARD FOR SIDEWALKS

1. The major objectives for SIDEWALK replacement are to provide safe and convenient sidewalk conditions for pedestrian traffic. This includes:
 - i) Replacing hazardous cracked or broken slabs.
 - ii) Replacing dangerously heaved or depressed slabs.
 - iii) Replacing sections damaged by Utilities or Contractors.
2. The level of service for SIDEWALKS shall be in accordance with the following:
 1. REPLACING SIDEWALK SECTIONS:
 - i) All sidewalk repair joints shall be saw cut.
 - ii) Replacement of sidewalk slabs and panels damaged or removed during installation or repair of utilities, shall be the responsibility of the utility company or Contractor.
 - iii) Replacement will be in accordance with Engineering Services Division standards and specifications.
 - iv) Notification of such replacement shall be made to the Engineering Services Division and inspected by them.
 - v) Sidewalk sections which have settled or heaved by more than 13mm or have developed cracks as a result of the contractor's operations shall be replaced.

6.5 QUALITY STANDARD FOR CONCRETE CURBS

1. The major objectives for CURB maintenance are:
 - i) To facilitate the removal of water from the road surface.
 - ii) To prevent water from spilling over and eroding side slopes.
 - iii) To protect the investment in concrete curbs.
2. The level of service for CONCRETE CURBS/CURB AND GUTTER shall be in accordance with the following:
 - i) Expansion joint material where used shall be cut down flush with the adjacent concrete surface.
 - ii) All repair joints shall be saw cut.
 - iii) Curb sections which have settled or heaved by more than 13 – 30mm as a result of the contractor's operations shall be replaced.
 - iv) Curb sections damaged by the Contractor's operations shall be replaced to the limits established by the Engineering Services Division.
 - v) Driveway cuts shall be 4.6 metres in width for a single driveway and 6.1 metres in width for a double driveway.
 - vi) Driveway cuts shall have a lip at the face of the curb not exceeding 10 mm in height above the gutter line or road asphalt. The driveway side of the curb cut shall be not greater than 25 mm above the cut at the face of the curb.
 - vii) Curbs shall be depressed at each intersection where a sidewalk exists to allow wheelchairs access to the sidewalk. This depression shall be 1.2 metres wide and follow the same cut standards as a driveway cut.

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- viii) All curb removed by a contractor's operations shall be replaced with the same type curb as that removed.
- ix) Replacement of curb sections, broken or removed during installation or repair of utilities, shall be the responsibility of the utility company or contractor.
- x) Replacement will be in accordance with the Engineering Services Division standards and specifications. Notification of such replacement shall be made to the Engineering Services Division and inspected by them.

6.6 QUALITY STANDARD FOR DITCHES

- 1. The major objectives for DITCH maintenance are:
 - i) To maintain the drainage system so as to control and remove surface water within the right-of-way limits.
 - ii) To prevent erosion of shoulders and side slopes.
- 2. The level of service for DITCH maintenance shall be in accordance with the following:
 - i) Obstructions in the flow line shall be removed.
 - ii) Ditch grade lines shall have a uniform fall and be free from obstructions or sudden drop offs.
 - iii) Culverts removed by the Contractor shall be replaced at proper grade and elevation.
 - iv) Culverts shall be maintained in a clean condition.
 - v) Side slopes shall be as flat as possible and corrected where necessary.
 - vi) Slopes shall be compacted and protected from erosion.
 - vii) Where the contractor or utility has disrupted the ditch channel, the channel shall be protected from erosion by rip-rap, gabions or other method, as established by the Engineering Services Division and all other applicable authorities (MOE, MNR, GSCA etc.)

7.0 TRAFFIC CONTROL

- 7.1 Traffic control routes, barriers and signage must conform to the Ontario Ministry of Transportation, Ontario Traffic Manual , Book 7: Temporary Conditions procedures.
- 7.2 All lane closures, road restrictions and road closures must be designed by the Utility/Contractor and approved by the Engineering Services Division.
- 7.3 The Utility/Contractor must ensure that all traffic control persons are properly trained and equipped to perform the traffic control functions.

The traffic control policies and procedures detailed in the Construction Safety Association "Handbook for Municipal Traffic Control Persons" must be followed.
- 7.4 Appropriate drawings showing planned road restrictions/closures and the proposed method of execution must be submitted with Street Occupation Permit application. The Engineering Services Division must approve the proposed restrictions/closures.