

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 294-94

A By-law to regulate the encumbering of highways during construction or repair and to provide for Road Cut Permits.

WHEREAS Section 210 of the Municipal Act, R.S.O. 1990, C.M. 45, as amended, authorizes the Council to pass by-laws for the purpose of regulating the temporary occupation of highways or portions thereof during the construction or repair of any work thereon.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. In this by-law,
 - (a) "permit" means a Permit for the Installation/Relocation of Public Utilities and the General Conditions set out on the permit.
2. No person shall commence the construction or repair of any work over, on or under any highway in the City of Vaughan if the same will, or is likely to require the temporary occupation, obstructing, or encumbering of part or all of such highway until:
 - (a) a Permit is obtained from the Director of Engineering for the City of Vaughan;
 - (b) signs and barricades have been erected; and
 - (c) alternate routes have been established.
3. The Permit referred to in Section 2 of this By-law shall be in the form annexed hereto as Schedule "A".
4. An application for a Permit shall be made at least forty-eight (48) hours before the applicant commences any work referred to in Section 2.
5. Upon obtaining such Permit, and before commencing work, the applicant shall provide and maintain throughout the course of the work:
 - (a) a reasonable alternate route for through traffic and a suitable by-road for all owners or occupants who cannot obtain access to their property by any other public road, together with adequate direction signs;
 - (b) At either or both ends of the portion of the highway closed or partially closed, as the case may be, a substantial barricade or barricades shall be placed, upon which shall be exposed between sunset and dawn, such red or amber flashing lights. In addition,

signs shall be posted indicating the alternate route.

6. All barricades, signs and lights shall be placed according to the Ministry of Transportation of Ontario's Manual of Uniform Traffic Control Devices, Section A-5 "Temporary Conditions", or according to designs approved by the Director of Public Works. All costs for the said signage and lights shall be at the expense of the applicant.
7. In the event that the work is not completed by the date provided for in the Permit an application shall be made for an extension of time, at least seven (7) days prior to the expiry date stated on the Permit.
8. If the barricades, signs and lights provided for herein are not installed and maintained, or if the road allowance is not restored or reinstated in accordance with the General Conditions stated on the permit, then the Director of Engineering shall carry out all necessary work as required at the cost and expense of the Permit Holder, and the permit shall be deemed to have been cancelled, and the work shall not be recommenced until a new Permit is obtained and proper barricades, signs, lights and restoration as the case may be, are completed in accordance with the provision hereof and the same are approved by the Director of Engineering.

Further Permits may be withheld until such road restoration work is completed to the satisfaction of the Director of Engineering.
9. Every person who contravenes any provisions of this by-law is guilty of an offence, and liable upon conviction to a fine of not more than \$5,000.00 exclusive of costs, in respect of each offence.

READ a FIRST, SECOND and THIRD time and finally passed this 3rd day of October, 1994.



L. D. Jackson, Mayor



J. D. Leach, City Clerk

PERMIT NO. _____

SECTION ONE — APPLICANT INFORMATION	SECTION TWO — ADDITIONAL INFORMATION	
APPLICANT _____	DATE OF APPLICATION Y M D	MUNICIPAL CONSENT PROJECT NO. _____
REPRESENTATIVE _____	PROPOSED START DATE Y M D	PROPOSED COMPLETION DATE Y M D
TELEPHONE NO. _____		
RETURN FAX NO. _____	PAVEMENT CUT YES <input type="checkbox"/> NO <input type="checkbox"/>	SIDEWALK CUT YES <input type="checkbox"/> NO <input type="checkbox"/>
TYPE OF INSTALLATION _____		
LOCATION OF WORK _____	WORK IN BLVD. OR DITCH YES <input type="checkbox"/> NO <input type="checkbox"/>	
SIGNATURE OF APPLICANT OR REPRESENTATIVE _____		

SECTION THREE — DRAWINGS

NORTH

SECTION FOUR — TERMS AND CONDITIONS

NOTE:

1. PRIOR TO COMMENCING WORK, STAKE OUTS MUST BE OBTAINED FROM ALL UTILITIES IN THE CITY OF VAUGHAN, ALL PIPE, CABLE, ETC. THAT IS EXPOSED OR UNDERMINED MUST BE SUPPORTED, BACKFILLED AND COMPACTED TO THE SATISFACTION OF THE UTILITY INVOLVED. (see over)
2. THE ENGINEERING DEPT. MUST BE NOTIFIED 48 HOURS BEFORE WORK IS TO COMMENCE. PHONE NO. (905) 832-8525, EXT. 8261 — FAX NO. (905) 832-6145.
3. GENERAL ROAD CUT CONDITIONS APPLY TO THIS PERMIT.
4. WHEN WORKING, A COPY OF THIS PERMIT, CONDITIONS AND STAKEOUTS MUST BE ON SITE AT ALL TIMES.
5. THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE CITY OF VAUGHAN.
6. RETURN OF THE PERMIT TO THIS OFFICE WITH THE DATE COMPLETED BOX FILLED IN IS NOTIFICATION OF COMPLETION OF WORK AND RESTORATION.
7. A ONE YEAR GUARANTEE OF THE RESTORATION WILL DATE FROM THE TIME OF INSPECTION AND ACCEPTANCE OF THE REPAIRS BY THE DIRECTOR OF ENGINEERING.
8. FAILURE TO COMPLY WILL RENDER THIS PERMIT VOID.

SECTION FIVE — APPROVALS

APPROVAL SUBJECT TO THE FOLLOWING AND GENERAL ROAD CUT CONDITIONS: _____

	DATE APPROVED Y M D	APPROVED BY _____
		DIRECTOR OF ENGINEERING

SECTION SIX — COMPLETION DATE/INSPECTION

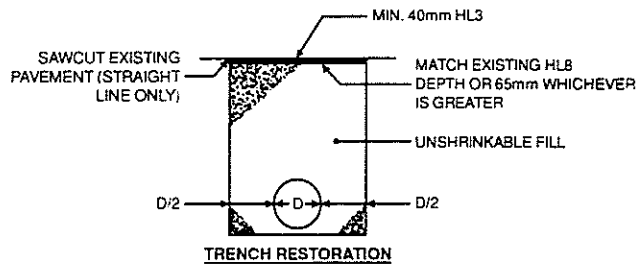
DATE COMPLETED Y M D	INITIALS _____	CITY INSPECTION Y M D	INITIALS _____
INSPECTOR'S COMMENTS _____			
DATE DEFICIENCIES REPAIRED Y M D	INITIALS _____	CITY RE-INSPECTION Y M D	INITIALS _____
OFFICE USE: FINAL INSPECTION DATE _____ (1 YEAR FROM ISSUE)			

IMPORTANT — SEE REVERSE SIDE FOR GENERAL ROAD CUT CONDITIONS

GENERAL ROAD CUT CONDITIONS

THE APPLICANT FOR THIS PERMIT AGREES TO PROVIDE A MINIMUM OF \$2,000,000 PUBLIC LIABILITY INSURANCE. THE APPLICANT ALSO AGREES AND ACCEPTS FULL RESPONSIBILITY FOR THE PROTECTION OF ALL UTILITIES, PRIVATE PROPERTY AND PERSONS AFFECTED BY THEIR OPERATIONS AND FURTHER AGREES TO INDEMNIFY AND SAVE HARMLESS THE CITY OF VAUGHAN FROM ANY AND ALL DAMAGES OR CLAIMS FOR DAMAGES OR INJURIES OR CLAIMS FOR DAMAGES OR INJURIES OR ACCIDENTS DONE TO OR CAUSED BY THE APPLICANT, OR THE APPLICANT'S EMPLOYEES, AS A RESULT OF THEIR OPERATIONS.

1. The applicant agrees to notify the following at least 48 hours prior to commencing work:
 - Adjacent Property Owners
 - Bell Canada
 - Consumers Gas Co.
 - Vaughan Hydro
 - Classic Communications Cable Television
2. All trenches must be restored as specified herein including drainage ditches, culverts and culvert headwalls. Good drainage must be maintained during the course of operations.
3. All utilities must be protected and supported, to the satisfaction of the utility concerned.
4. In grassed areas adjacent to homes, sodding is required and new sod must be counter sunk to match existing sod. All other areas shall be covered with a seed and mulch mixture. All areas to receive sod or seed shall have a min. 100mm of imported screened topsoil.
5. Driveways must be repaired in the same manner as the road, specified herein. Property owners and/or residents must receive a min. of 24 hours notice prior to temporary closing of access to homes or businesses. Access can only be closed for a max. of 24 hours.
6. The road surface must be kept clear of obstructions or debris, to avoid hazard or inconvenience to the public.
7. The road may not be closed without the consent in writing of the Director of Engineering.
8. Trees must not be damaged. Trees may not be removed unless permission in writing is received from the Director of Engineering. The cut ends of roots shall be neatly trimmed and painted with tree dressing.
9. All signs are to be placed as per the Ministry of Transportation Manual of Uniform Traffic Control Devices, Section A-5 "Temporary Conditions".
10. The applicant also agrees and accepts full responsibility to supply, maintain, clean and place all barricades, warning signs delineators, flashing lights and fencing necessary for the protection of the public and the safe operation of the installation at the applicants own expense.
11. Hot Mix and/or Surface Treated pavement must be restored as per detail, "TRENCH RESTORATION".



12. Trenches within the roadway must be backfilled with UNSHRINKABLE FILL, conforming to O.P.S.S. 1359, to a distance of 1.0m beyond the travel portion of the roadway. Steel or plastic plates must be placed over the trench for traffic to overpass until unshrinkable fill has fully cured.
13. Exemptions from the use of unshrinkable fill for utility cut restoration in the City of Vaughan roads may be granted by the Road Authority provided geotechnical test results are provided with a min. of 100% S.P.D. as determined by the current M.T.O. procedures.
14. Cold Mix Asphalt to be placed immediately as a temporary surface. Permanent pavement repairs must be made within 14 days or when weather permits. On some city roads experiencing heavy traffic volumes, it will be necessary to repair immediately with hot-mix asphalt.
15. Shoulders to be restored with granular 'A', clear of all mud, clay, debris, etc. and to the original cross-section and appearance.
16. All disturbed, or affected areas including ditches and boulevard to be restored, maintained and guaranteed for one full year after completion of repairs and acceptance by the Director of Engineering.
17. The general clean-up and restoration must commence as soon as possible, and must not be left until completion of the project.
18. The applicant agrees and accepts that approval of this permit is conditional on the Director of Engineering satisfaction with the quality or method of restoration of the road allowance surfaces or appurtenances.
19. The applicant also accepts the City's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a) The Director of Engineering will give the applicant not less than twenty-four (24) hours notice of any remedial work required, unless conditions call for immediate attention.
 - b) If at the expiration of the time allowed the applicant or his contractor has not commenced remedial work to the Director's satisfaction, he may undertake to have this work done by whatever means he deems necessary.
 - c) The applicant agrees to reimburse the City of Vaughan for all costs involved.