

**THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT**

**BY-LAW NO. 39-2019**

Being a by-law to regulate the entry onto and the cutting and reinstatement of municipal Highways.

**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;

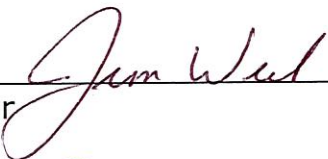
**AND WHEREAS** the *Municipal Act, 2001*, c. 25 s. 391 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

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

**NOW THEREFORE** Council of the Township of the North Stormont hereby enacts as follows:

1. That this By-law shall be known as the "Road Cut By-law".
2. 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.
3. That the fees for Road Cuts and Road Cut deposits are as prescribed in the annual Fees and Charges By-law.
4. That any person contravening the requirements of this By-law shall be guilty of an offence and shall be liable to penalties as provided for in the *Provincial Offences Act, R.S.O. 1990*.
5. That any by-law inconsistent to this by-law is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and sealed in open Council this 25<sup>th</sup> of June 2019.

\_\_\_\_\_  
Mayor 

\_\_\_\_\_  
Clerk 

**Schedule "A"**  
**Road Cut By-law No. 39-2019**

The granting of a permit under By-law No. 39-2019 shall be subject to the following Standards, Specifications and Requirements:

1. The applicant/owner must apply to the Corporation of the Township of North Stormont for permission to undertake a road cut and agree to conform to the Township's conditions, standards and specifications governing 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 the prescribed fees have been paid and 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 the Annual User Fees and Charges By-law, by certified cheque to the Township of North Stormont 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.



**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, 7:00 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 highways. The Township's Public Works Superintendent, or designate, may modify these requirements based on existing conditions or recommendations from a geotechnical engineer/consultant.

**Materials**

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

**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.

**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.

The top lift of the backfill material shall be shaped to slope from the centreline down at 3% towards the edge of the shoulder of the highway. Should the layer to be backfilled with native soil be less than 1200mm the entire depth of the cut shall be reinstated using a frost taper with a slope of 15:1 as per the Ontario Provincial Standards Drawing (OPSD) 803.030. The frost taper shall be backfilled with Granular "B" in lifts not exceeding 200mm. thick. Granular "B" in the frost taper shall be compacted to 100% Standard Proctor Density (SPD).

**Step 3: Granular Reinstatement**

The existing granular base shall be cut back at a 1:1 slope from the top of the sub-grade elevation. If reinstating with a frost taper, 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 200mm 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. For cuts which cross the highway, the asphalt shall be removed in a dovetail with the apex at the road centreline. Just prior to placing the asphalt the granular surface shall be regraded and recompact. HL-3 asphalt shall be installed in 50mm lifts as a minimum or if otherwise stated by the Public Works Superintendent. 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:

- **Excavation and Trench Reinstatement**

Excavation and trench reinstatement shall be completed as noted in the "General Method to Reinstatement Roadway Cuts". The trench backfill shall extend to within 100mm of the surface.

- **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.



**ROAD CUT APPLICATION/PERMIT**

NAME OF APPLICANT/AGENT:

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

TELEPHONE: (\_\_\_\_) \_\_\_\_\_ CELL: (\_\_\_\_) \_\_\_\_\_

**PHYSICAL LOCATION**

CONCESSION \_\_\_\_\_ LOT \_\_\_\_\_

HOUSE # \_\_\_\_\_

ROAD NAME \_\_\_\_\_

ROAD CUT REQUIRED FOR:

\_\_\_\_\_

**CONTRACTOR**

WORK PERFORMED WILL BE DONE BY:

NAME(S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (\_\_\_\_) \_\_\_\_\_ CELL: (\_\_\_\_) \_\_\_\_\_

APPLICATION FEE PAYABLE TO THE TOWNSHIP OF NORTH STORMONT SHALL ACCOMPANY THIS APPLICATION (PARTIAL REFUND MAY APPLY SHOULD THE APPLICATION BE DENIED).

I/WE HERBY APPLY TO THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT FOR PERMISSION TO CONSTRUCT THE ABOVE DESCRIBED AND DO HEREBY AGREE TO CONFORM TO THE CONDITIONS, STANDARDS, SPECIFICATIONS, AND REQUIREMENTS GOVERNING ROAD CUTS WITHIN THE TOWNSHIP WHEN THE PERMIT IS GRANTED.

**PLEASE NOTE:**

*THE OWNER/APPLICANT MUST NOTIFY THE PUBLIC WORKS SUPERINTENDENT OR DESIGNATE TWO WORKING DAYS IN ADVANCE OF COMMENCEMENT. ALL WORK IN PROGRESS MUST BE INSPECTED AND APPROVED BY THE PUBLIC WORKS SUPERINTENDENT OR HIS DESIGNATE.*

***THIS IS NOT A PERMIT. WORK MUST NOT BEGIN BEFORE PUBLIC WORKS SUPERINTENDENT, OR DESIGNATE, HAS GIVEN APPROVAL TO PROCEED.***

SIGNATURE OF APPROVAL \_\_\_\_\_

DATE \_\_\_\_\_

NOTES:

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