

CORPORATION OF THE MUNICIPALITY OF POWASSAN

BYLAW NUMBER 2023-19

Being a Bylaw of the Municipality of Powassan
to Regulate the Use and Care of Roads

WHEREAS Section 11 subsection (1) of the Municipal Act 2001, c.25 provides that a single-tier municipality may pass Bylaws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways:

AND WHEREAS Section 27 subsection (1) of the Municipal Act 2001, c.25 provides that a municipality may pass Bylaws in respect of highways only if it has jurisdiction over the highway;

AND WHEREAS Section 425 subsection (1) of the Municipal Act 2001, c.25 provides that Bylaws may be passed by all municipalities and by police services boards for providing that any person who contravenes any Bylaw of the municipality or of the board, as the case may be, passed under this Act, is guilty of an offence;

AND WHEREAS Section 181 of the Highway Traffic Act R.S.O. 1990, c. H.8 provides that no person shall deposit snow or ice on a roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road;

The Council of the Corporation of the Municipality of Powassan enacts as follows:

Section 1 – Definitions

In this Bylaw:

"Boulevard" means all parts of a highway save and except the roadway, shoulder or sidewalk;

"Municipality" means the municipal corporation of the Municipality of Powassan or the geographic area as the context requires;

"Public Works Supervisor" means the authority over the Municipality's Public Works or authorized representative;

"Highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway; and includes the area between the lateral property lines thereof;

"Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two (2) or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"Sidewalk" means that part of a highway set aside by the Municipality for the use of pedestrians; and

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

Section 2 – Interpretation and Application

1. This Bylaw shall apply to the Municipality of Powassan in its entirety.
2. Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this Bylaw.
3. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal, or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
4. In this Bylaw, a word interpreted in the singular number has a corresponding meaning when used in the plural.

Section 3 - General

1. No person shall, unless otherwise authorized by the provisions of this or any other Bylaw of the Municipality.
 - (a) Permit oils, chemicals, or substances to be deposited or spilled on a highway including such substances deposited as a result of car maintenance activities, car rust prevention measures and the spillage of rust protecting substances and the general spillage of substances from vehicles.
 - (b) Deposit or cause to be deposited any snow or ice upon any portion of any road or bridge located within the territorial limits of the Municipality of Powassan.
 - (c) Move snow within the road allowance from one side of the cleared portion of the road allowance intended for vehicular and pedestrian traffic, to the other side of the road allowance.
 - (d) Relocate snow within the road allowance in such a manner as to encroach on the cleared portion of the road allowance intended for

vehicular or pedestrian traffic, or that would result in the obstruction of the normal visibility of the safe movement of vehicular and pedestrian traffic on the road allowance.

(e) Park a vehicle in such a manner as to obstruct or hinder the snow plow or other vehicles engaged in the removal of snow during the months of January, February, March, April, May, October, November, and December in each and every year in the Municipality of Powassan, and any vehicle so parked or abandoned will be towed away at the owner's expense. Neither will the Municipality nor any of its contractors be liable for damage caused to such unlawfully parked vehicles by equipment engaged in the removal of snow.

(f) Encumber or damage a highway by animals, vehicles, or other means.

(g) Permit or allow any paper, hand bill, advertisement, or any container, whether made of plastic, cardboard, or paper, to be blown from private property onto a highway.

(h) Obstruct and /or interfere with a culvert, drain, gutter or water course along or upon a highway.

(i) Place a plank or other material in or over any gutter or ditch for the purposes of making a crossing except for a period of not more than 24 hours.

(j) Walk upon, ride, drive, or load an animal, or move, drive, run or propel a vehicle upon, over or across a newly constructed sidewalk or pavement before it has been opened for use by the public.

(k) Set or carry fire on a highway.

(l) Throw, pile, store, or cause any material to be thrown or piled upon a highway, except for the purpose of having it immediately delivered upon adjacent premises, nor shall any person saw or split any cordwood or firewood upon a highway or being the owner of cordwood, firewood or topsoil shall deposit on any highway, or permit it to remain thereon for a longer time than is necessary for its immediate removal to the premises adjacent thereto.

(m) Sell on the highway, without approval of the Municipality, any real or personal property.

(n) Move, or cause to be moved a vehicle equipped with cleats, flanges, or tracks on its wheels, or rollers, or any of them, on or along the traveled portion of the highway, except by means of a float, trailer, or other similar device, providing that a vehicle is so equipped including a vehicle for the digging and backfilling of trenches, may be moved directly across the

traveled portion of the highway, if a preventative mat has first been laid on the surface of the portion of the highway to be crossed, provided however that this paragraph shall not apply when a vehicle is operating with the written permission of the Public Works Supervisor.

(o) Urinate or defecate on any highway.

(p) Remove a barricade or notice or enter upon or use a highway temporarily closed under the provisions of this or any Municipality By-law.

(q) Remove or move a barricade, sign or light placed around any excavation in a highway.

(r) Erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or highway.

(s) Move or cause any building or structure to be moved into, along, or across a highway without having been approved under a Municipality Bylaw.

2. No owner or occupier of land shall allow any part of a tree, shrub, sapling, hedge, or any other plant to extend over or upon any highway, so as to interfere with, impede or endanger persons using the highway.
3. No owner or operator of a parking station, parking lot, used car lot, automobile service station or mechanical car wash shall permit water used for washing or cleaning a motor vehicle to escape upon, overflow or run across or upon a highway.
4. No person shall break, dig up, destroy, or damage the sod or grass of a boulevard, or a fence, or railing erected and maintained for the protection of the boulevard.
5. No person shall walk on the boulevard except when there is no municipal sidewalk.
6. No person, other than the Municipality, shall erect a fence, construct a wall, or plant a hedge, in, over, or upon a highway.
7. No person shall cause or permit an entrance from a roadway to be installed, constructed, or altered except in compliance with a permit granted under the Municipality's Entrance Policy (Schedule A to this Bylaw).
8. No person shall cause or permit encroachment on a municipal roadway or engage in any installation or stockpile or other work upon, over or under, or within the limits of a municipal road right-of-way (excluding entrances), except

in accordance with the Municipal Encroachment Policy (Schedule B to this Bylaw).

Section 4 – Exemptions

1. The provisions of Section 3, Subsection 1.(b) shall not apply to an employee or an agent of the Municipality who is engaged in moving snow or ice as part of their duties for the Municipality.
2. The provisions of Section 3, subsection 1(h) shall not apply to fires made by plumbers, tinsmiths, welders or other tradesmen engaged in the repair or construction of a building or structure or utility situated upon or under a highway or sidewalk provided that such operations are in the charge of a competent person, and the fires are controlled to prevent discharge of any sparks or embers which may endanger any person or property.
3. Section 3 subsection 1(a). does not apply to any person putting sand or salt on the icy portions of a highway to reduce the danger of pedestrians falling, or to enable a vehicle to use a roadway.

Section 5 - Highway Name Signs, Traffic Signals & Signage

1. No person shall pull down, destroy, deface or in any way interfere with, any municipal infrastructure, including but not limited to, any post, surveyor's mark, benchmark, traffic sign, highway name sign, sign board, regulatory sign, traffic signal, traffic cone, or any other traffic control device, affixed, or placed on a highway.

Section 6 – Lighting

1. No owner or occupier of property abutting a highway shall permit any flood light to illuminate a highway directly or indirectly without the written approval of the Public Works Supervisor. No person shall erect or place private driveway lighting, address/name posts, or reflectors on a highway without the permission of the Public Works Supervisor.

Section 7 - Powers of the Public Works Supervisor

The Public Works Supervisor may:

1. Remove any item, structure or material placed or deposited on a highway contrary to this Bylaw only after the person responsible is made aware and given the opportunity to rectify the situation.
2. Send a notice by registered mail to the owner or person responsible for the item, structure, or material that the object has been removed at the owner's expense.

Section 8 – Powers of the Municipality

1. The Municipality may recover expenses resulting from actions taken in accordance with subsection 7(1) by action, or in like manner as municipal taxes.

Section 9 - Temporary Closing of Highways

1. The Public Works Supervisor may temporarily close to traffic any highway by reason of any work or improvement being carried out thereon or by reason of the condition thereof and the Public Works Supervisor may cause to be erected or kept thereon, any barricade or notice warning the public that the highway is closed to traffic and no person shall enter upon or use a highway so temporarily closed.
2. Where a highway or part of a highway is closed pursuant to Section 9, the Public Works Supervisor shall:
 - (a) provide and keep in repair a temporary alternative route for public use where possible;
 - (b) provide access to lots abutting the highway; and
 - (c) erect signs, barricades, and other protective and warning devices in accordance with provincial traffic regulations.

Section 11 - Highway Cleaning and Repair

1. The cleaning and repair of all highways shall be performed under the direction of the Public Works Supervisor.
2. No person hauling earth, sand, stone, or other substances on a highway shall so load their vehicle or drive the same as to permit or cause the contents thereof to fall, spill or be deposited on a highway.
3. No person in charge of a vehicle shall bring the vehicle, or permit it to be brought upon a highway unless there has been removed from the wheels thereof as completely as is reasonably practicable, all mud, clay, lime, and similar material, or any fertilizer or manure which is likely, if not removed, to cause an obstruction or dangerous condition or nuisance in a highway or cause damage to the surface of the highway.
4. No person hauling earth, sand, stone, or other substance shall load or drive their vehicle so as to permit damage to a highway.

Section 12 - Administration and Enforcement

1. This Bylaw shall be administered by the Public Works Supervisor and enforced by the Municipal Bylaw Enforcement Officer of the Municipality.

Section 13 - Penalties

1. Any person who contravenes any provision of this Bylaw is guilty of an offence and on conviction is liable to a fine to the maximum allowable under the Provincial Offences Act.
2. When a person has been convicted of an offence under this Bylaw; or
3. The Ontario Court (Provincial Division) of the Municipality of Powassan; or
4. Any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

Section 14 - Short Title

This Bylaw may be referred to as the "Use and Care of Roads By-Law".

Section 15 – Effect

That this Bylaw shall become in effect upon its adoption.

READ a FIRST, SECOND and THIRD time and passed this 5th day of September 2023 for the immediate wellbeing of the Municipality.



Mayor



Clerk

Schedule A



Policy & Procedure Manual

POLICY: ENTRANCE POLICY	REVIEW DATE: January 1, 2024
EFFECTIVE DATE: July 4, 2023	AUTHORITY: Public Works Supervisor

PURPOSE:

To define the Municipality of Powassan’s (“Municipality”) Public Works Department’s policies and procedures on the control, installation, classification, reclassification, replacement, and standards of access to the Municipality’s roads, while adhering to Zoning By-Law No. 2019-19 and By-Law No. 2010-16 so that:

- The safety of the travelling public is ensured,
- The operating integrity of the road system is protected by ensuring the efficient flow of traffic,
- The impact of development on the road system is minimized,
- Future maintenance and reconstruction costs are minimized or reduced.

POLICY STATEMENT:

1. Control of Entrances

All entrances onto Municipal roads must have approval of the Municipality’s Public Works Supervisor (“Supervisor”) or Designate prior to installation and shall be under the control of the Municipality’s Public Works Department. All new or altered installations shall conform to this policy and be completed according to these standards. Costs shall be borne by the owners.

The Supervisor will determine the need for a culvert. Should a culvert be deemed necessary, the culvert and all work involved with installation shall conform to the standards as set out in this Policy.

2. Entrance Permits Are Required For:

- Construction of a new entrance, including a secondary entrance
- Changing the design of an existing entrance
- Changing the location of an existing entrance
- Changing the use of an existing entrance (i.e.) the classification
- Construction of a temporary entrance
- Paving of an existing entrance

3. Inventory of Entrances

The Municipality's Public Works Department shall maintain an inventory of all entrances onto Municipal roads. The inventory shall contain the classification and details of each entrance.

4. Classification of Entrances

The classification of an entrance cannot change, nor the entrance be used for any other purpose, without the entrance being reclassified by obtaining an Entrance Permit through the application process. All entrances shall be classed into one of the following classes:

Field Entrance

- Provides access to agricultural fields.

Farm Entrance

- Provides access to farm buildings and agricultural fields. Where a farm entrance also provides access to a farm residence it shall be classified as a residential entrance.

Residential Entrance

- Provides access to residential facilities of four (4) units or less.

Commercial/Industrial /Institutional Entrance

- Provides access to a business where goods or services are manufactured, sold, or distributed.

Temporary Entrance

- Provides access to properties for a limited period, not to exceed one (1) year, for the purpose of construction, repairs or improvements on that property or to facilitate staged development. If an extension is required, the owner must apply for a new permit prior to the expiration of the existing one.

A temporary permit shall specify:

- The expiry date
- The extent and nature of the works to be done on the property
- The owner's responsibility to clean up mud or debris from the road in a timely fashion.

Emergency Entrance

- Provides access to subdivision developments for emergency vehicles only, if the main entrance to the development is not passable. Adequate measures are to be incorporated to prevent use by residents or for delivery vehicles.

Public Entrance

- Provides access onto a Municipal Road from a registered subdivision by means of a public street.

Private Road

- Private roads provide access to the following:
 - Access to residential units of five (5) or more units
 - Into townhouse condominium developments
 - Roads into public facilities such as landfill sites, parks public institutions etc.
 - Private roads into resort areas providing access to several lots

5. General Policies

a. Number of Entrances per Lot of Record

The following numbers of entrances per property shall be restricted to:

Field Entrances

- A minimum of one (1) per farm with additional field entrances where natural obstructions within the field prevent reasonable access across the field.

Farm

- One (1) per farm for farm buildings

Residential

- One (1) per property

Commercial/Industrial/Institutional

- Maximum of two (2) with a minimum spacing of 30 metres between entrances

b. Alternative Access

Access shall be gained from a Municipal right-of-way where it can reasonably be achieved.

c. Existing Lots of Record

Each lot which is legally in existence is entitled to a residential entrance onto a Municipal Road, if no alternative access exists.

d. Infilling

Infilling refers to the development of vacant lots with existing buildings on both sides in urban areas where the pattern of development and the building line are already established. Extension of an existing built-up area is not considered infilling.

Infilling will be permitted due to the minimal effect on the operation of the road. Reduced setbacks shall be considered if they are in line with existing development.

e. Service Roads

In order to provide access to lots adjacent to a Municipal Road, a service road may be built parallel and adjacent to the Municipal Road. It shall be under local jurisdiction or privately owned. Setbacks shall be calculated from the service road property line.

6. Policies Related to Safety

a. Minimum Stopping Sight distance

Sight distances are measured from a point 3 metres from the outer edge of the traffic lane at an eye level of 1.05 metres above the edge of the traffic lane to an object 0.38 metres in height above the roadway surface in the centre of all lanes affected by the entering vehicle. For example, on a two (2) lane road the distance is measured to the centre of the lanes in both directions. A sight distance verification report and plan prepared by an Ontario Land Surveyor may be requested by the Municipality.

The Public Works Supervisor and/or Designate have the authority to reduce the Sight Distance, including grade corrections, if they deem necessary to ensure the safety of Municipal residents, following the guidelines of the Transportation Association of Canada (TAC). Design Speed is set at 10 km/h over posted speed limits for use in this policy instead of the standard 85th percentile speed.

Field, Farm, Residential and Temporary Entrances

- New entrances, for field, farm, residential and temporary entrances must meet the following minimum sight distances. The table below is based on wet conditions, which is common practice.

Posted Speed (km/hr)	Design Speed (km/hr)	Minimum Sight Distance (metres)	Correction for stopping sight distance (metres)					
			Decrease for Upgrades			Increase for Down Grades		
			3%	6%	9%	3%	6%	9%
100	110	240	10	20	-	15	30	-
90	110	220	0	20	25	10	20	40
80	90	200	10	15	20	10	15	30
70	80	180	5	10	15	5	10	20
60	70	165	5	5	10	5	10	15
50	60	135	5	5	10	-	5	10
40	50	125	-	-	5	-	-	-

Commercial Entrances

- All commercial entrances must meet all of the following minimum requirements:

Speed Limit (km/hr)	Sight Distance (metres)	Horizontal Curve (metres)	Grade (%)
40	140	300	6
50	160	300	6
60	180	600	5
70	200	600	5
80	230	1,200	4
90	250	1,200	4
100	270	1,200	4

Notes:

- In urban areas where the speed limit is significantly lower than the design speed the sight distance may be reduced.
- Commercial entrances must be constructed and approved before the establishment is open for business.

b. Minimum Visibility Requirements at Structures

The minimum sight distance requirements of entrances adjacent to bridges shall be applied.

c. Requirements for Visibility Triangles at Intersections

Visibility triangles are defined by (X), the distance measured along the property line on the Municipal Road and (Y), the distance measured along the property line on the side road (i.e.) these distances are measured from the intersection of the two right-of-way lines.

Posted Speed (km/hr)	Visibility Triangle X & Y Municipality Road Right of Way					
	20 metre		30 metre		45 metre	
	X	Y	X	Y	X	Y
40	8	7	2	2	-	-
50	15	10	7	5	-	-
60	22	11	12	6	-	-
70	29	12	17	7	-	-
80	32	2	19	7	-	-
90	39	14	24	8	2	1

d. Requirements for Spacing from Side Road Intersections

Entrances onto the sight line of the visibility triangle are not permitted. The following table is based on a right-of-way of 20 metres and gives the minimum distances from the centerline of the intersecting road to the closest side of the proposed entrance. The requirements for other widths of rights-of-way will be provided.

Posted Speed (km/hr)	Distance on Municipality Road (metres)	Distance on side road (metres)
40	30	25
50	40	25
60	50	25
70	60	25
80	65	25
90	75	25
100	85	25

7. Policies Related to Road Operation

a. Location of Intersections

Where intersections occur, they shall be located opposite each other to line up with an entrance on the other side of the road.

b. Truck Climbing Lanes, Deceleration Lanes and Acceleration Lanes

No access will be permitted on truck climbing, acceleration, or deceleration lanes.

c. Guide Rails

No access will be permitted which requires crossing through existing guide rails, guideposts, steel beam guide rail or three (3) cable guide cable.

ENTRANCE STANDARDS:

Not following these requirements could result in damage to entrance during grading operations and the Municipality will NOT assume responsibility for such damage.

1. Location of Entrances

The Municipality may restrict the placement of an access onto a Municipal Road in the interest of public safety. New entrances must be located, in the opinion of the Supervisor, so that there are favourable vision, grade and alignment conditions for all traffic using the proposed entrance and the Municipal Road.

- Minimum entrance distances from side property line to centerline of entrance:
 - Private, Field and Residential Entrance – 9 metres
 - Farm Entrance – 14 metres
 - Commercial, Industrial, Institutional Entrance – 20 metres
- Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.0 metres but not more than 12.0 metres in perpendicular width;
- The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres;
- The minimum distance between any two (2) driveways on one (1) lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 9.0 metres; and
- The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

2. Commercial/Industrial/Institutional Entrances and Public and Private Roads

Designs for commercial/industrial/institutional entrances and public and private roads must be submitted for approval as part of the Entrance Permit application procedure. The design shall be site specific, having regard for the number and type of vehicles expected to utilize the entrance. The entrance must be constructed and approved (including paving where required by this policy) before the establishment or the public or private road is open for business or use. The design shall provide for the entrance to be surfaced with asphalt to the property line.

3. Entrance Grades

The finish grade of the entrance must drop away from the edge of the driving lane surface to the edge for the shoulder at the same rate as the shoulder. For 5.0 metres beyond the edge of the shoulder the slope shall not exceed 3%.

Maximum gradients shall be 6% for residential entrances and 10% for farm and field entrances. Slope shall be 3H:1V or flatter when specified and must slope centre line of ditch and not be higher than grade of road where they meet.

For entrances on a steep slope or where earth cut or fill is required, Grading Plans showing existing and proposed features along with existing and proposed elevations will be required and to be submitted to the Municipality for approvals. Refer to Schedule A for further specifications.

4. Field Entrances

Field entrances must have an entrance width of 6.0 metres and a 5.0 metre radius. If entrance will be used for farm equipment than the radius must be 8.0 metres. Surface must be at least 150 mm (6") of pit run or granular A.

Where a culvert is required, its length shall be sufficient to provide a 3H:1V up from the ditch to an entrance width of 6.0 metres. Driveway must slope centre line of ditch and not be higher than grade of road where they meet. Not following these requirements could result in damage to driveway during grading operations and the Municipality will NOT assume responsibility for such damage. A minimum cover on the culvert shall be 300 mm. Refer to Schedule A for further specification.

5. Farm Entrances

Farm entrances must have an entrance width of 6.0 metres and an 8.0 metre radius. Surface must be at least 150 mm (6") of pit run or granular A.

Where a culvert is required, its length shall be sufficient to provide a 3H:1V up from the ditch to an entrance width of 6.0 metres. Driveway must slope centre line of ditch and not be higher than grade of road where they meet. Not following these requirements could result in damage to driveway during grading operations and the Municipality will NOT assume responsibility for such damage. A minimum cover on the culvert shall be 300 mm. Refer to Schedule A for further specification.

6. Residential Entrances

Residential entrances must have an entrance width of 6.0 metres. Surface must be at least 150 mm (6") of pit run or granular A.

Where a culvert is required, its length shall be sufficient to provide a 3H:1V up from the ditch to an entrance width of metres. Driveway must slope centre line of ditch and not be higher than grade of road where they meet. Not following these requirements could result in damage to driveway during grading operations and the Municipality will NOT assume responsibility for such damage. A minimum cover on the culvert shall be 300 mm. Refer to Schedule A for further specifications.

7. Culvert

Where a culvert is required, the landowners must purchase and install their own culvert under the supervision of the Public Works Supervisor and/or Designate. Culverts shall be installed in accordance with the following Municipal standards:

- All new or altered entrances must have signed installation acceptance before acceptance will be issued by the Municipality.
- Culvert must be a new, galvanized, Corrugated Steel Pipe (C.S.P.), thickness as per Schedule B (b) or a new High Density Polyethylene Pipe (HDPE) that is double walled, thickness as per Schedule B(c). Culverts must conform to OPSS 1801 specifications or double walled plastic that meets the 182.8 Canadian Standards

Association (C.S.A.) storm sewer pipe specifications and be installed as per manufacturer's specifications.

- Culverts must have a minimum diameter of 400 mm and a minimum length of 6.0 metres. The Public Works Supervisor or Engineer may demand a larger and/or longer culvert if necessary to maintain Municipality standards and safety.
- The culvert must be sufficient to provide a slope of 3H:1V or flatter when specified.
- No concrete is allowed at the ends of culverts. The culvert must be exposed a minimum of 300 mm (1 foot) at both ends.
- The culvert bed shall be compacted and shaped to receive the bottom of the culvert.
- A minimum of 300 mm of Granular A or Granular B must be placed around the culvert, including underneath, in order to prevent frost action. Height of fill is measured from the finished surface to the top of the culvert.
 - Where the frost penetration line is below the bedding grade, frost tapers shall start at bedding grade.
 - Where the frost penetration line is between the top of culvert and bedding grade the frost treatment shall be symmetrical about the centerline of culvert. Frost tapers shall start at the intersection of the 1H:1V or 3A:1V slope and the frost penetration line.
- Condition of excavation is symmetrical about centerline of culvert.
- Granular material placed in the haunch area shall be compacted prior to placing and compacting the remainder of the embedment material. Refer to Schedule B (c).
- Refer to Schedule B (b) and (c) for height of fill requirements.
- A minimum of 150 mm (6 in) Granular "A" must be placed above the culvert.
- A minimum cover on the culvert shall be 300 mm. Refer to Schedule B (a).
- All lengthening of existing culverts must be installed at same standards as a new entrance.
- The Municipality will no longer restore driveways beyond a Granular A surface within the municipal right of way due to culvert replacement or maintenance of entrance. The Municipality reserves the right to change or alter any entrance at any time. Any finished work, i.e., interlocking brick, paving, clear stone will be the responsibility of the landowner (As per By-Law 2010-16, effective January 1, 2010).

8. Surface Water

Each entrance shall be designed, installed and maintained in a manner that will prevent surface water runoff from the entrance or from the adjoining property from being discharged onto the travelled portion of the road or the shoulder of the road. Water shall be directed into the roadside ditches. Rip rap of entrance ditches may be necessary to prevent siltation of the roadside ditches.

9. Curb and Gutter

Where curb and gutter exist at the location of a proposed entrance, the applicant shall be required to construct a drop curb at the entrance location. The existing curb shall be cut or removed and replaced using materials and construction methods acceptable to the Municipality.

The area behind the curb and sidewalk is to be paved with hot mix asphalt, concrete paving stones, or topsoil and sod, in accordance with the Municipality's requirements to 2 metres behind the curb.

10. Temporary/Emergency Entrances

The design and construction details of temporary/emergency accesses must be submitted to and approved by the Municipality.

MAINTENANCE OF ENTRANCES:

- If the surface of an approved entrance is gravel, the Municipality will maintain the surface of an approved entrance from the edge of the travelled lane of the road to the outer edge of the shoulder.
- If the surface of an approved entrance is hard topped, the Municipality will not maintain the surface.
- After the initial installation of the culvert any subsequent replacement or repair, (but not widening), shall be done by the Municipality at its expense.
- Curbs and or headwalls will not be built, maintained or replaced by the Municipality. No curb or headwall shall extend above the surface of the shoulder.

STANDARD DRAWINGS:

The following standard drawings shall apply:

OPSD 301.010 – RURAL ENTRANCES TO ROADS ON FILL

OPSD 301.020 – RURAL ENTRANCES TO ROADS IN EARTH CUT

OPSD 301.030 – RURAL ENTRANCE ROCK CUT

OPSD 310.050 – CONCRETE SIDEWALK DRIVEWAY ENTRANCE DETAILS

OPSD 350.010 – URBAN INDUSTRIAL, COMMERCIAL AND APARTMENT ENTRANCES

OPSD 351.010 – URBAN RESIDENTIAL ENTRANCE

OPSD 802.010 – FLEXIBLE PIPE EMBEDMENT AND BACKFILL EARTH EXCAVATION

OPSD 805.010 – HEIGHT OF FILL TABLE – Corrugated steel pipe

OPSD 806.020 – HEIGHT OF FILL TABLE – Corrugated polyethylene gravity sewer pipe

PROCEDURES:

1. Requests for New or Reclassified Entrances

All requests for an Entrance Permit for new installations, or reclassifications of existing entrances, shall be applied for by the property owner or an agent on forms supplied by the Municipality.

The Municipality shall determine the location, length, and diameter of a culvert, if required, and any conditions that must be met, financial or otherwise, prior to, or as part of the installation.

2. Application

The proposed entrance location shall be clearly illustrated on a sketch, which is to accompany the application. The sketch must provide enough information to enable Municipal staff to locate it at the property, with dimensions to buildings and/or landmarks such as fences, hedgerows, tree lines, etc. The applicant must also place flags or stakes at the property to indicate the proposed location of the entrance.

A non-refundable application fee shall be payable to the Municipality with the application. The application fee is \$120.00. The application must be properly filled out in order to be approved.

3. Entrance Permit

If approved, an Entrance Permit will be issued after a refundable deposit is made to the Municipality. The cost for the permit shall be included in the application fee.

4. Change of Ownership of Property

Should the ownership of the property change after the date of the application, the new owner shall become the applicant.

5. Refundable Deposit

Refundable deposits in the amounts identified by the Municipality, payable to the Municipality of Powassan, shall be collected prior to the Municipality issuing a permit. The deposit will be refunded to the applicant upon acceptance of the installation by the Municipality, less any amounts expended by the Municipality to bring the entrance installation to Municipality standards.

6. Installation of the Entrance

The entrance shall be installed by the applicant, at the applicant's expense, to the specifications outlined on the permit and in accordance with Municipality standards.

7. Inspection of the Entrance

The installation of the entrance will be inspected by the Municipality after completion by the applicant. It shall be the applicant's responsibility to call the Municipality for an inspection of the entrance installation, once it has been completed.

8. Adjustments Required

Should any adjustments be required, they must be made within ten (10) days of notification by the Municipality.

9. Cancellation of Permit

Where the entrance has not been constructed and accepted by the Municipality within six (6) months of the date of the permit, the permit shall be cancelled, and the refundable deposit shall be forfeited.

10. Renewal of Permit

An entrance permit may be renewed for an additional six (6) month period. An application shall be filled out for the renewal and another application fee paid to the Municipality. A second permit will be issued. The deposit fee shall be carried forward to the second permit.

11. No Permit Required

There will be no Entrance Permit required by the Municipality, or fee payable for an entrance onto a provincial highway. A copy of the Ministry of Transportation Permit must be submitted to the Municipality.

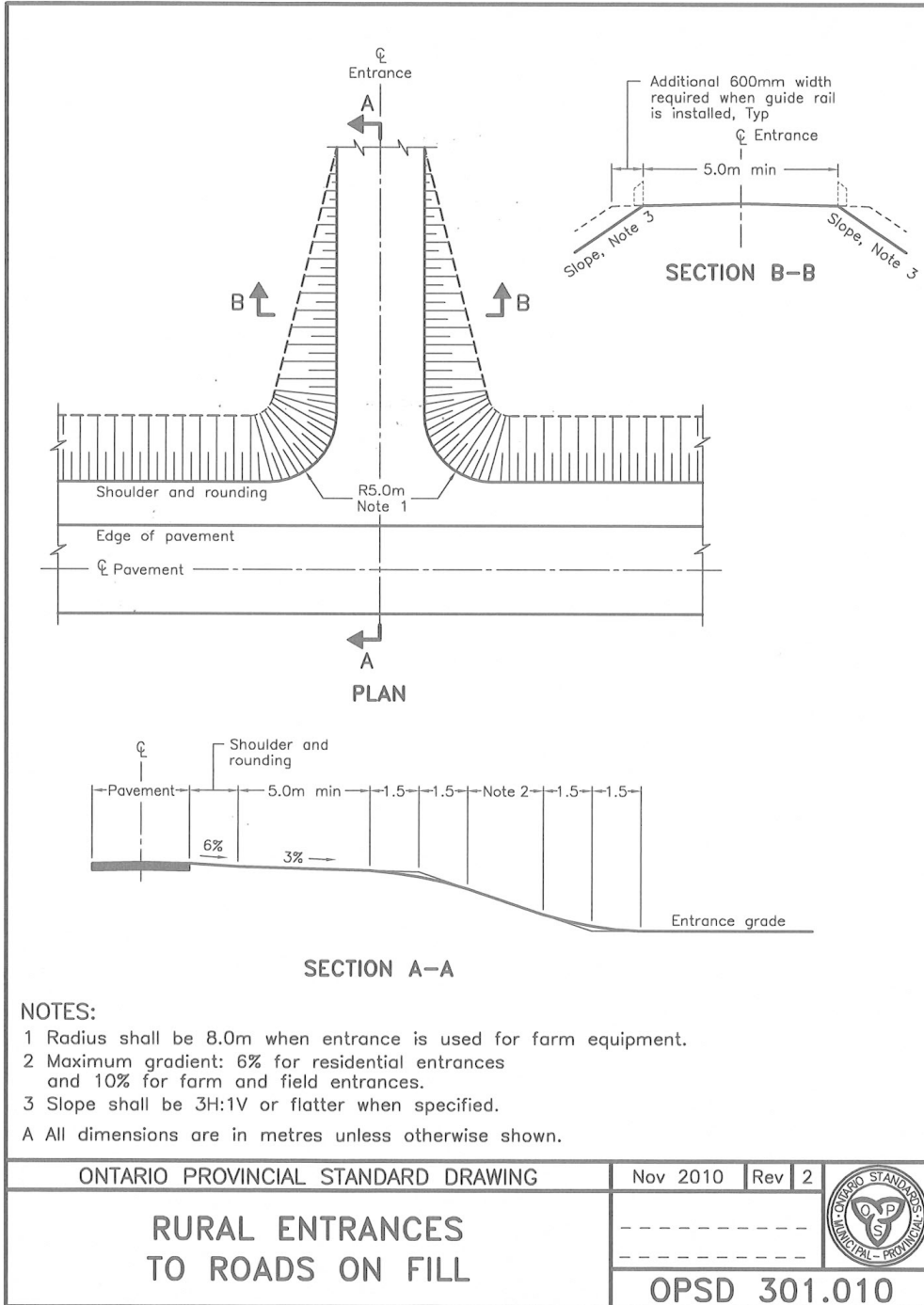
12. Opinion of Entrance

An opinion on the availability of an entrance can be obtained by providing the necessary fee (no deposit) and application forms. This process is helpful during a severance application and can be provided by Municipal staff. The Municipality would not issue a permit, only give an opinion on the likelihood of success in obtaining an entrance permit.

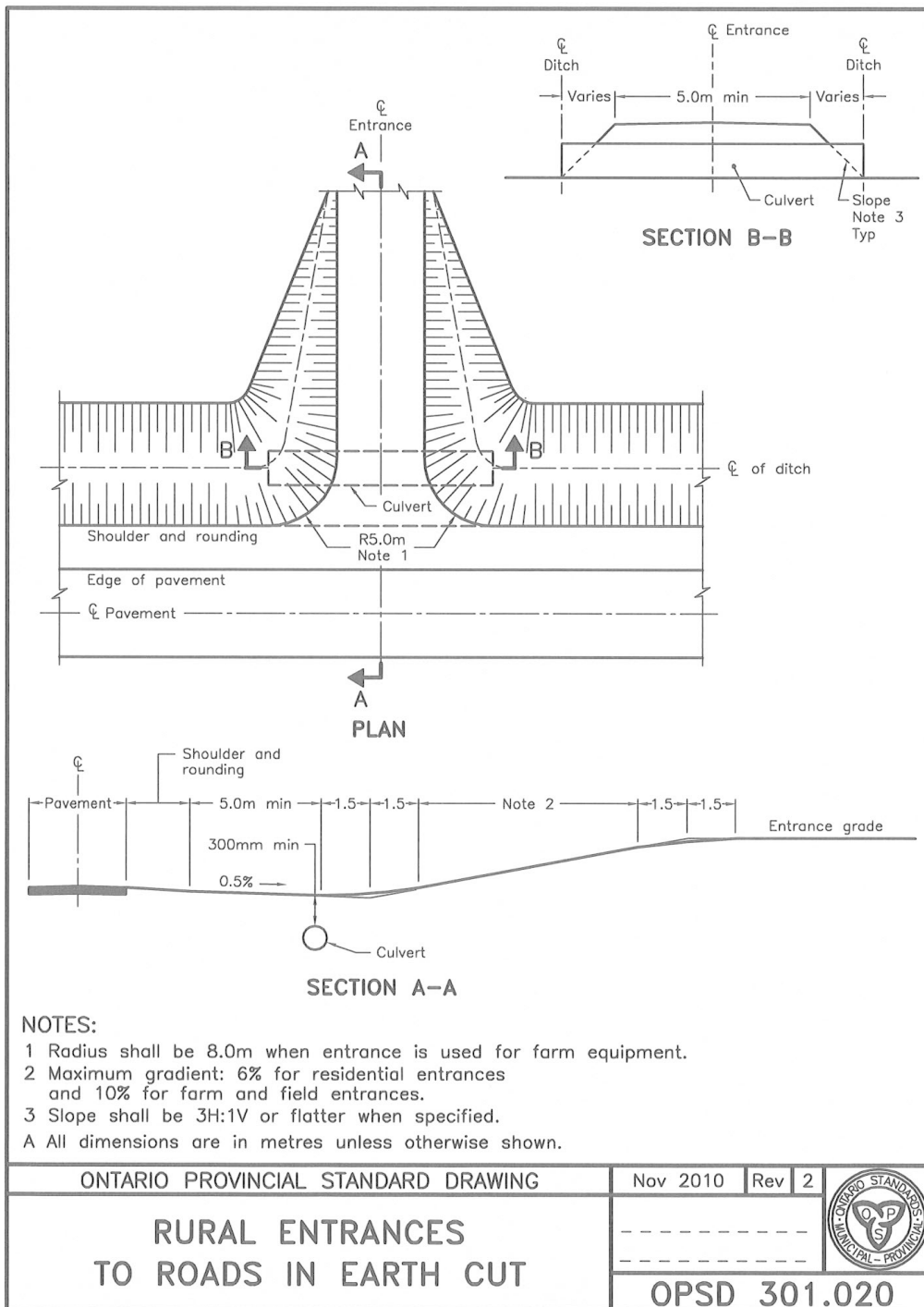
If the applicant decides to proceed with the entrance permit application, the entrance application will be updated, and the refundable portion collected. If the owner does not apply for the entrance permit within twelve months of the opinion, a new permit process will be required.

SCHEDULE A - ENTRANCES

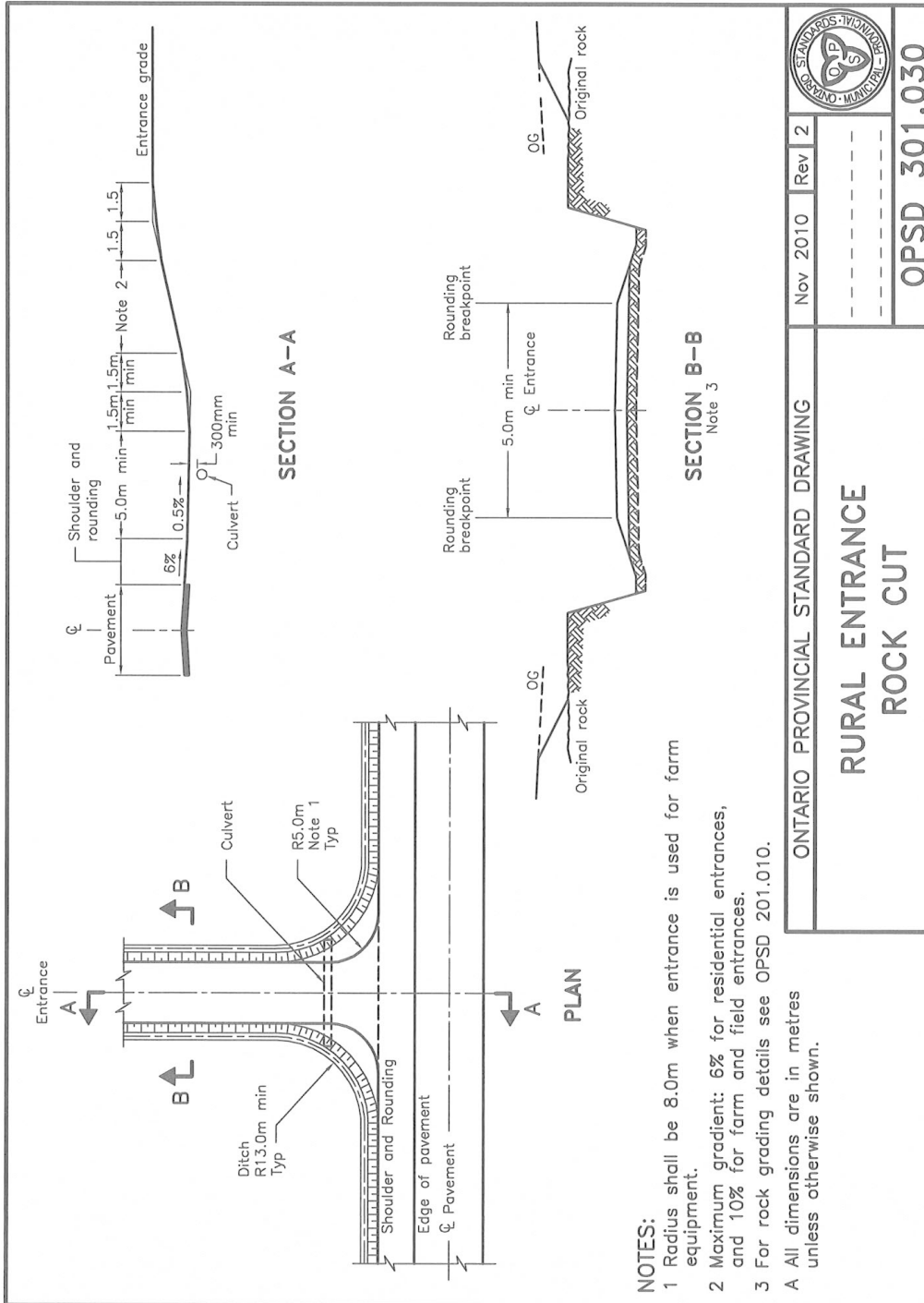
a. OPSD 301.010 – RURAL ENTRANCES TO ROADS ON FILL



b. OPSD 301.020 – RURAL ENTRANCES TO ROADS IN EARTH CUT

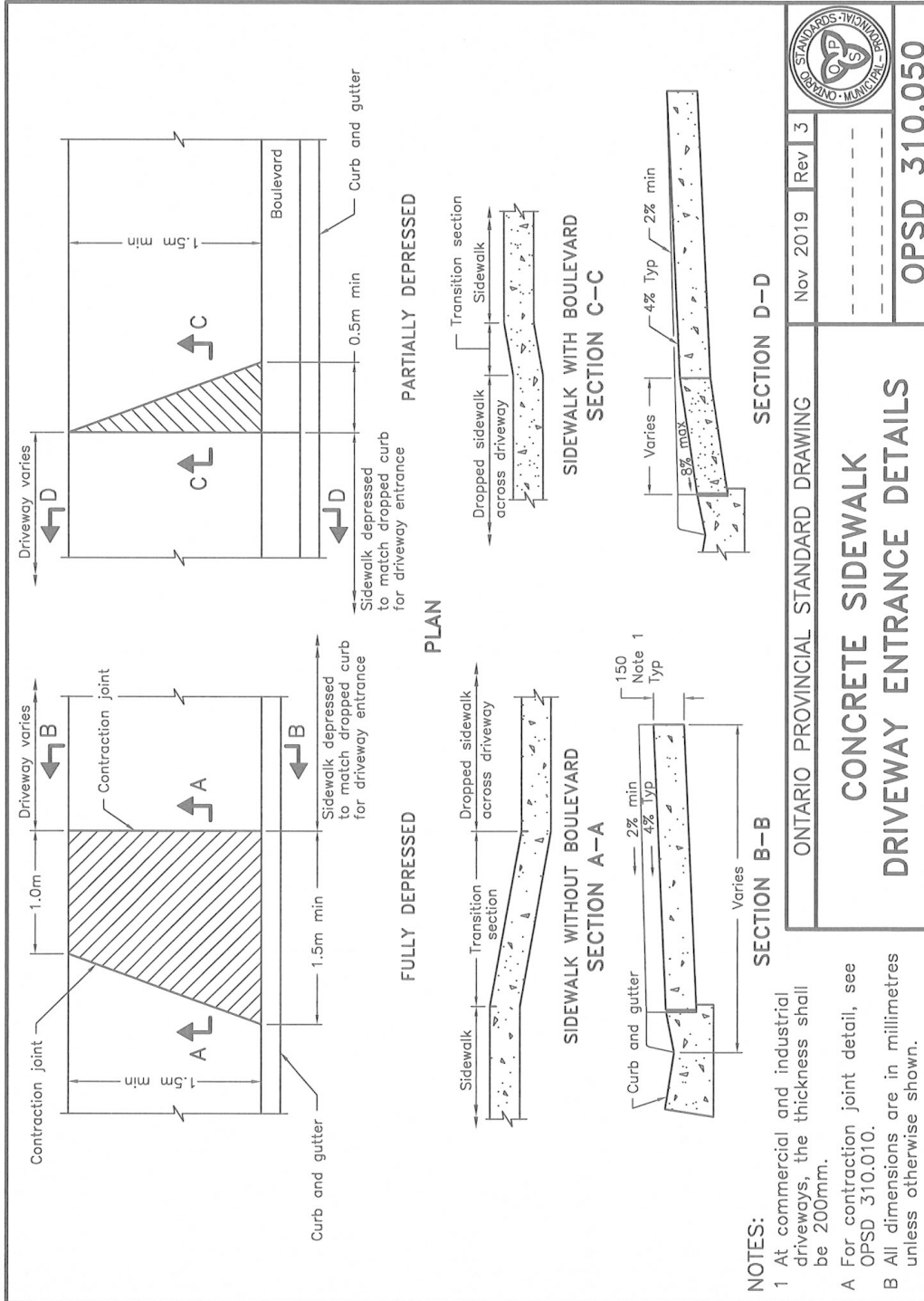


c. OPSD 301.030 – RURAL ENTRANCE ROCK CUT



	
ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2010 Rev 2
RURAL ENTRANCE ROCK CUT	
OPSD 301.030	

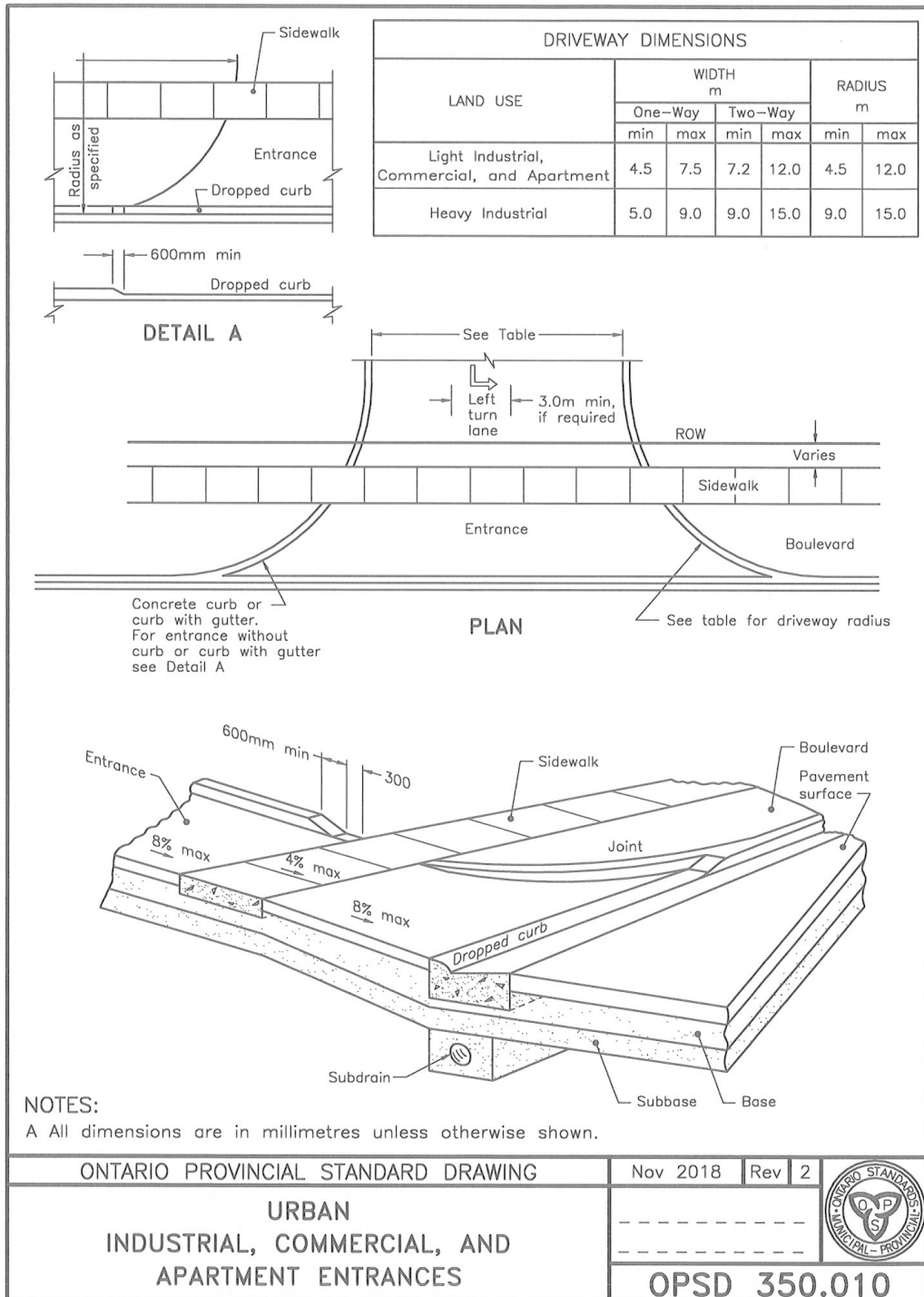
d. OPSD 310.050 – CONCRETE SIDEWALK DRIVEWAY ENTRANCE DETAILS



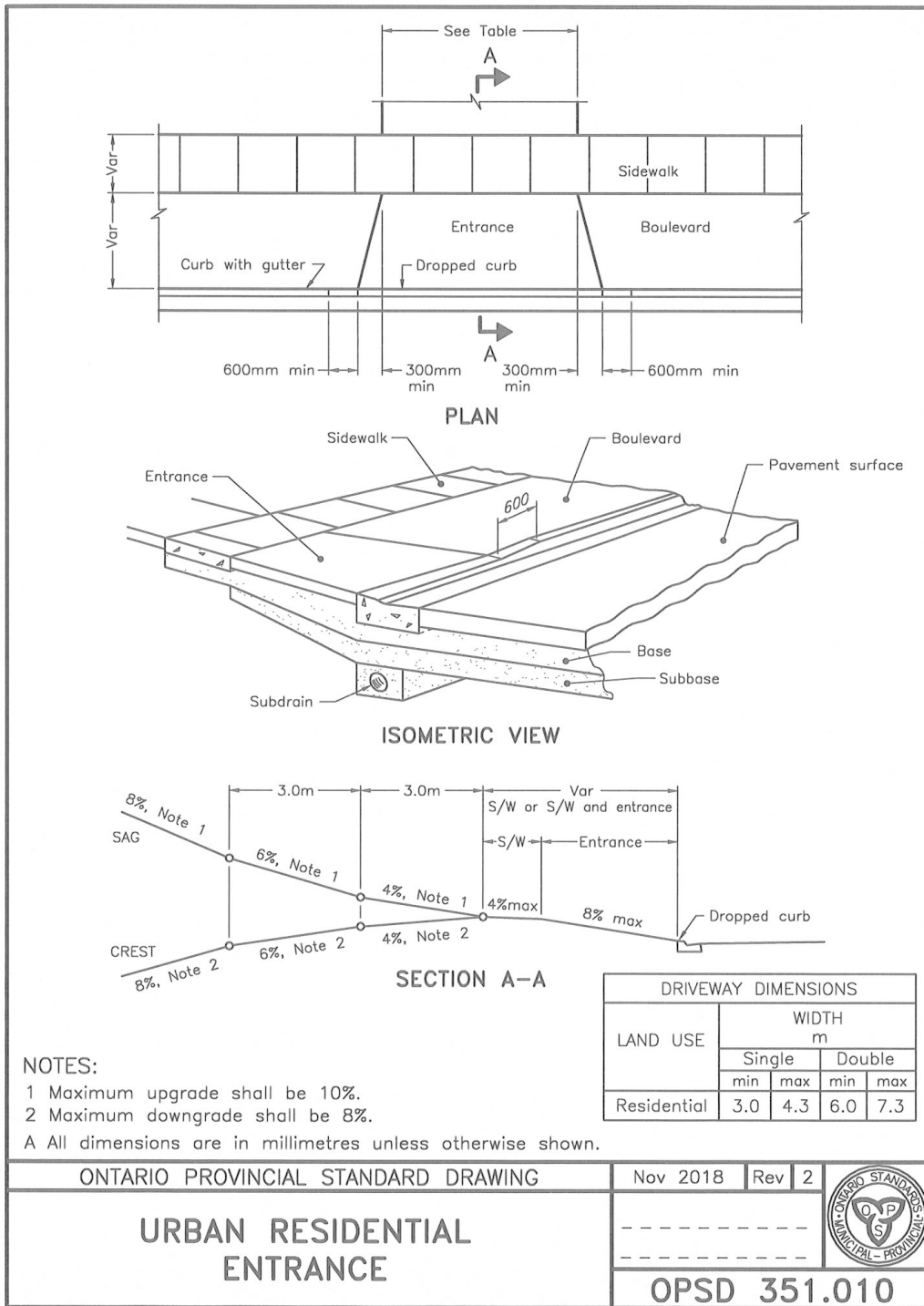
NOTES:

- 1 At commercial and industrial driveways, the thickness shall be 200mm.
- A For contraction joint detail, see OPSD 310.010.
- B All dimensions are in millimetres unless otherwise shown.

e. OPSD 350.010 – URBAN INDUSTRIAL, COMMERCIAL AND APARTMENT ENTRANCES

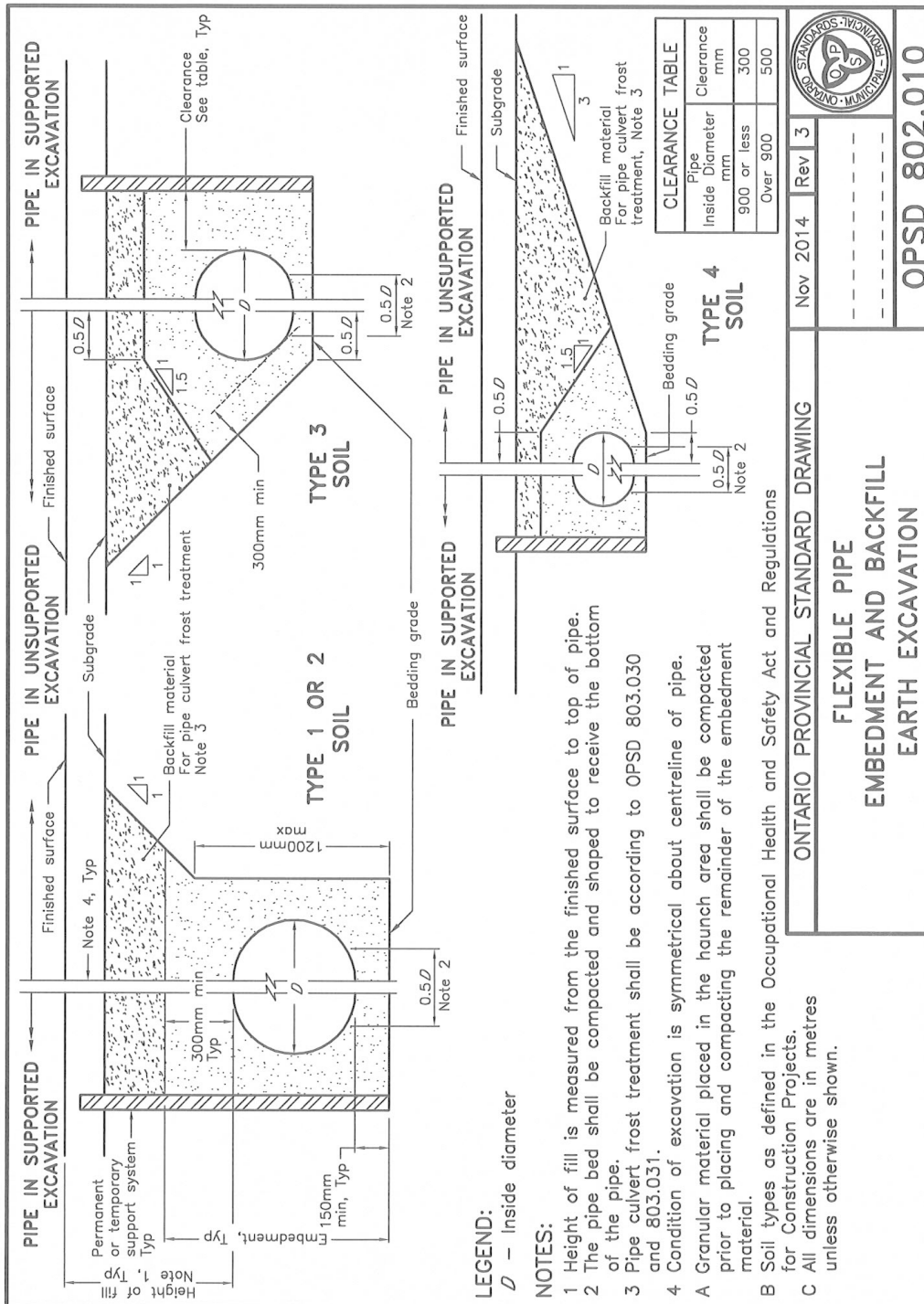


f. OPSD 351.010 – URBAN RESIDENTIAL ENTRANCE



SCHEDULE B – CULVERTS


a. OPSD 802.010 – FLEXIBLE PIPE EMBEDMENT AND BACKFILL EARTH EXCAVATION



b. OPSD 805.010 – HEIGHT OF FILL TABLE – Round corrugated steel pipe and structural plate corrugated steel pipe

Pipe Type	Corrugation Profile	Diameter	Min Height of Fill	Area m ²	Metal Thickness																		
					Corrugated Steel Pipe				Structural Plate														
					1.6	2.0	2.8	3.5	4.2	3.0	4.0	5.0	6.0	7.0									
Maximum Height of Fill Over Pipe m																							
Round Corrugated Steel Pipe (Note 1)	68 x 13mm	300	300	0.07	61.3	79.7																	
		400	300	0.13	45.9	59.7																	
		450	300	0.16	40.8	53.1																	
		500	300	0.20	36.8	47.8	69.3																
		600	300	0.28	30.6	39.8	57.8																
		700	300	0.38	26.2	34.1	49.5																
		750	300	0.44	24.5	31.9	46.5																
		800	300	0.50	23.0	29.9	43.3																
		900	300	0.64	20.4	26.5	38.5	48.9															
		1000	300	0.79	18.4	23.9	34.7	44.0	53.6														
		1200	300	1.13		19.9	28.9	36.7	44.7														
		1400	300	1.54			23.8	30.3	37.0														
		1500	300	1.77			21.3	27.2	33.2														
		1600	300	2.01			19.1	24.4	29.8														
	1800	300	2.54				19.5	23.9															
	2000	350	3.14					18.9															
	125 x 25mm	1200	300	1.13		20.4	29.6	37.6	45.8														
		1400	300	1.54		17.5	25.4	32.2	39.2														
		1500	300	1.77		16.3	23.7	30.1	36.6														
		1600	300	2.01		15.3	22.2	28.2	34.3														
		1800	300	2.54		13.6	19.7	25.0	30.5														
		2000	350	3.14		12.2	17.7	22.5	27.5														
		2200	400	3.80		11.1	16.1	20.5	25.0														
		2400	400	4.52		10.0	14.8	18.8	22.9														
		2700	450	5.73			13.1	16.7	20.3														
		3000	500	7.07			11.3	14.4	17.5														
Round Structural Plate Corrugated Steel Pipe	152 x 51mm	1500	300	1.77					26.2	39.1	49.8	60.5	70.6										
		1660	300	2.16					23.7	35.3	45.0	54.6	63.8										
		1810	350	2.58					21.7	32.4	41.3	50.1	58.5										
		1970	350	3.04					19.9	29.8	37.9	46.0	53.8										
		2120	400	3.54					18.5	27.7	35.3	42.8	50.0										
		2280	400	4.07					17.2	25.7	32.8	39.8	46.4										
		2430	450	4.65					16.1	24.1	30.8	37.3	43.6										
		2590	450	5.26					15.1	22.6	28.8	35.0	40.9										
		2740	500	5.91					14.3	21.4	27.3	33.1	38.6										

NOTES:
 1 Refer to manufacturer for non-standard sizes. For non-standard sizes, use the next larger standard diameter for estimating maximum height of fill over pipe.
 A The table based on backfill density of 2243 kg/m³.
 B This OPSD shall be read in conjunction with OPSD 802.010, 802.013, and 802.014.
 C Sizes greater than 3000mm are available subject to design by Canadian Highway Bridge Design Code (CHBDC CSA 56).
 D All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2018	Rev 3	
HEIGHT OF FILL TABLE			
ROUND CORRUGATED STEEL PIPE AND STRUCTURAL PLATE CORRUGATED STEEL PIPE	OPSD 805.010		

c. OPSD 806.020 – HEIGHT OF FILL TABLE – Dual wall corrugated polyethylene gravity sewer pipe – 320 kPa and RSC 160

PIPE DIA mm	TRENCH WIDTH	MAXIMUM HEIGHT OF FILL				MINIMUM HEIGHT OF FILL	
		320 kPa		RSC 160		All Pipe Classes	
		Granular A	Granular B (Type I and II)	Granular A	Granular B (Type I and II)	Granular B (Type I and II)	
100	0.5	9.8	6.7	-	-	0.3	
150	0.6	9.8	7.6	-	-	0.3	
200	0.7	8.5	5.8	-	-	0.3	
250	0.7	10.1	6.7	-	-	0.3	
300	0.8	11.0	7.3	-	-	0.3	
375	0.9	9.8	6.4	-	-	0.3	
450	1.0	10.1	6.7	-	-	0.3	
525	1.1	9.1	6.1	-	-	0.3	
600	1.2	10.7	7.0	-	-	0.3	
750	1.4	9.8	6.4	-	-	0.3	
900	1.6	8.8	6.1	-	-	0.3	
1050	1.8	-	-	6.1	4.3	0.3	
1200	2.0	-	-	6.4	4.6	0.3	
1500	2.4	-	-	6.4	4.3	0.6	

NOTES:

- A The table applies to dual wall corrugated polyethylene gravity sewer pipe according to CSA B182.6 and CSA B182.8.
- B Pipe diameters 1050 to 1500mm are listed with a constant RSC 160 value for convenience. Minimum pipe stiffness values are listed in Table 3 of CSA B182.8.
- C Trench width is based on Class I compacted material for Granular A and Class II compacted material to 95% of the maximum dry density for Granular B.
- D The table based on backfill density of 2243 kg/m³.
- E The table presumes groundwater is at or below the springline of the pipe.
- F Minimum height of fill over the pipe is measured from bottom of flexible pavement or top of rigid pavement.
- G Maximum height of fill is measured from the finished surface to top of pipe.
- H This OPSD shall be read in conjunction with OPSD 802.010, 802.013 and 802.014.
- I For height of fill and/or pipe sizes greater than shown, or for other design conditions, the values shall be calculated from first principles.
- J All dimensions are in metres unless otherwise shown.



Nov 2018	Rev 3
HEIGHT OF FILL TABLE DUAL WALL CORRUGATED POLYETHYLENE GRAVITY SEWER PIPE – 320 kPa and RSC 160	
OPSD 806.020	

Schedule B



Policy & Procedure Manual

POLICY: Encroachment Policy and Permit	REVIEW DATE: January 4, 2024
EFFECTIVE DATE: SEPTEMBER 5, 2023	AUTHORITY: Public Works

PURPOSE:

To formalize and clarify the procedure and requirements for granting Encroachment Permits onto the Municipality of Powassan's ("Municipality") roads and right-of-ways so that:

- The safety of the travelling public is ensured.
- The operating integrity of the road system is protected by ensuring the efficient flow of traffic.
- The impact of encroachment, or work related to, on the road system is minimized.
- The impact of encroachment, or work related to, does not interfere or create road maintenance issues.

1. SCOPE

An Encroachment Permit must be obtained from the Municipality, approved by the Public Works Supervisor or Designate, for each encroachment before work commences. All encroachments within the limits of a Municipal Road are subject to the approval of the Municipality.

The construction or operation of works within the limits of the right-of-way of a Municipal Road by any party other than the Municipality or its agent shall be considered an encroachment. Entrances will be handled per the Entrance Policy.

2. POLICY STATEMENT:

The Municipality will ensure the installation of encroachments, construction of works associated with encroachments and the restoration of a right-of-way following the construction or alteration of an encroachment is carried out and completed to a standard satisfactory to the Municipality. The costs associated with encroachments will be paid by the encroaching party. The Municipality will be exempt from the Encroachment Fee but must still obtain an Encroachment Permit.

3. DEFINITIONS

3.1 Encroachment: Any installation or stockpile or other work upon, over or under, or within the limits of a Municipal Road right-of-way (excluding entrances).

Encroachments may include:

- any type of vegetation or natural object placed by a property owner, or man-made feature or object or item of personal property which exists wholly or partly upon or extends from a property owner's premises onto Municipal roadways or rights-of-way and may include any aerial, surface, or subsurface encroachments.
- accelerating and decelerating lanes, curbs, gutters, sidewalks, safety islands, recreational trails and crossings, sewers, water pipelines, fiber optic cable, gas pipelines, oil pipelines, conveyors or other works or structures that may during the construction, installation, or maintenance thereof obstruct, cause material to be deposited upon, enter upon, take up, bridge over, tunnel under, or in any way interfere with the land within the limits of a Municipal road, roadway, or structure forming a part of the road.
- pulpwood, logs, or other construction material piled on a Municipal right-of-way to await loading may be considered encroachment.

3.2 Commercial Encroachment: An encroachment made by or on behalf of a commercial firm or establishment. This may include oil pipelines, gas pipelines, fiber optic cable, overhead or underground conveyor systems, sewers, drainage or waste disposal pipes, curbs, gutters, accelerating and decelerating lanes and other installations upon, over or under the right-of-way of a Municipal Road, or landscaping within the limits of the right-of-way of a Municipal Road. Private power lines or railways without Federal Statutory authority shall be classified as Commercial Encroachments.

3.3 Municipal Encroachments: An encroachment made by or on behalf of a municipality. A Municipal Encroachment may include a sewer, water pipeline, sidewalk, curb, and other installation upon, under or over the right-of-way of a Municipal Road.

3.4 Public Utility: Means poles, wires, conduits, transformers, pipes, pipelines and any other works or structures belonging to a municipal corporation, commission or company operating under a Federal, Provincial or Municipal franchise to provide a public service.

3.5 Recreational Trail and/or Trail Crossing Encroachment: An encroachment on behalf of a recreational organization which is a legal entity. It will include locations where a crossing over a Municipal right-of-way, including the travelled portion of the Municipal Road, is required to connect established trails. It will also include sections of the Municipal right-of-way where the organization wishes to establish a trail along the roadside where no access to adjacent land is granted, and the roadside section of trail is required to connect established trails. Snowmobile and all-terrain vehicle trails and crossings will require separate agreements.

3.6 Residential Encroachment: An encroachment by or on behalf of a private individual or private farm or pertaining to a private structure. A Residential Encroachment may include a water pipeline, gas pipeline or other installation upon, under or over the right-of-way of a Municipal Road, or landscaping carried out within the limits of the right-of-way of a Municipal Road.

3.7 Statutory Encroachment: An encroachment for which legal authority exists by right of Federal or Provincial legislation. These encroachments are not controlled by the Municipal Act. A Statutory Encroachment may include a railway, power and telephone lines, gas pipeline and any other item on the Municipal right of way where legal authority exists by right of Federal or Provincial legislation. A railroad with Federal statutory authority shall be a Statutory Encroachment.

4. ENCROACHMENT PERMITS

Encroachment Permits are required for:

- Installation of work upon, over, under, or within the Municipality right-of-way or roadway.
- Stockpile of work upon, over, under, or within the Municipality right-of-way or roadway.
- No encroachment can be created, or existing encroachment altered, or classification changed, without an Encroachment Permit.

5. REQUIREMENTS

An applicant placing or altering an encroachment located within the limits of the right-of-way of a Municipal Road shall comply with the following requirements and conditions and with any restrictions that may be established or adopted by the Municipality:

- The time(s) of day work will be allowed shall be approved by the Municipality.
- Any application that proposes to install or alter works within the limits of the right-of-way of a Municipal Road must give the Municipality at least 48 hours' notice prior to commencing work, unless in an emergency or previously agreed to in writing.
- Written approval from the Municipality is required for any construction equipment performing work on the travelled portion or on the shoulder of a Municipal Road.
- Construction equipment shall not travel upon the travelled portion of a Municipal Road except when it is being transported directly to a job site or when it is crossing directly from one side of a Municipal Road to the other side.
- Steel tracked equipment shall not be allowed to travel upon or to cross a paved Municipal Road except with the approval of the Municipality and then only after the pavement has been protected by planks, pads or other devices approved by the Municipality.
- No construction equipment, material, debris, or any other material associated with the Permit work shall be placed upon or left upon the shoulder or travelled portion of a Municipal Road in a manner which may create a hazard or cause damage to the road, as decided by the Municipality.
- Work shall be done in a manner that ensures minimum inconvenience to Municipal property owners and the travelling public.
- Property owners involved in the encroachment work shall be notified by the Encroachment Permit owner, prior to the commencement of work, of the time(s) of construction and of the method(s) used in crossing their property. A copy of the notice must be shared with the Municipality.
- Cutting of pavement, tunneling, backfilling, compaction of fill, and repaving of a Municipal Road for work under an Encroachment Permit must be carried out according to the standards established or adopted by the Municipality and approved by the Public Works Supervisor for this work.
- Backfill after tunneling or cutting the pavement or the roadbed, any material used as fill and any work relevant, must be done with material approved by the Municipality. All work in this connection must be observed by the Public Works Supervisor or delegate.
- All buried works within the Municipal Road allowance must install and maintain markers in proximity of the plant. Separation: 75 m – 100 m also marking entrance and exit locations of the Municipal Road allowance, including deviations (bends). Markers to state what the plant is (i.e., underground waterline) with a marker size of 0.25 m x 0.3 m, with steel stake being 1.2 m to 1.5 m above ground.

6. DRAINAGE

6.1 An Encroachment Permit from the Municipality is needed to commence any construction or alteration of a drainage system or any part of a drainage system within the limits of the right-of-way of a Municipal Road other than by the Municipality. The Public Works Supervisor may specify such conditions as deemed necessary for the granting of the permit, such as but not limited to:

- Clear water piped drains such as field tile drainage, foundation drainage, roof drainage, or any other clear water piped drains, may be allowed, subject to the approval of the Municipality if a Municipal Road is involved.
- An Encroachment Permit with specified conditions will be issued to the owner of existing clear water piped drains for field tile drainage, foundation drainage, roof drainage or any other clear water piped drains found out letting into Municipal ditches and/or storm sewers, if approved by the Public Works Supervisor.
- All pipe culverts and sewers placed within the limits of the right-of-way of a Municipal Road must meet the requirements of the Ontario Provincial Standard Specifications (OPSS). Details of culvert construction including minimum wall thickness and minimum depth of cover, and details of construction pipe subdrains are included in the OPSS. Details of subdrain installation are contained in the 200 series for grading and 800 series for sewers are all included in the Ontario Provincial Standard Drawings (OPSD).
- Subdrains are small diameter pipes (100mm, 150mm and 200mm diameter), perforated or non-perforated, which are placed in strategic sub-surface locations for the purpose of collecting subsurface water and conveying it to a proper outlet.
- For Municipal Road drainage, steel, and plastic (polyethylene) are the preferred pipe materials.
- A galvanized steel CSP outlet shall be installed at the end of the plastic pipe subdrain outlet where a plastic subdrain pipe outlets directly to a Municipal Road ditch. The corrugated steel pipe section shall be a minimum length of 1.5m and shall be fitted with a galvanized rodent grate. A condition to require placement of the outlet pipe at a minimum 0.3m above the ditch grade may be recommended as part of the Encroachment Permit.
- Any application to outlet a subdrain system onto the Municipality Road right-of-way will be examined to determine the potential downstream effect on ditches and drainage structures.
- The Public Works Supervisor must be consulted about where a pump is to be placed outside the right-of-way but within the control area of a Municipal Road to convey water from a subdrain system to the Municipal Road drainage system. The Public Works Supervisor may determine additional conditions such as construction of a retention pond, rip rap, gabions, or any other conditions, are required.
- If there is a possibility of downstream capacity problems with runoff as a result of a pumping operation, drains or drainage, the Municipality may advise the applicant to apply for improvements under the *Drainage Act*.

6.2 The owner of a property who allows pollutant waste or sewage to be carried onto a Municipal Road or into a Municipal drainage system contravenes the *Municipal Act*, the *Drainage Act*, the *Environmental Protection Act*, and in certain cases, the *Public Health Act* and could be prosecuted for such an offence under the applicable Act.

A drain that is found to be emitting household or factory waste or sewage upon or into the Municipal Road drainage system and the source is known, the Municipality will contact the owner

and ask them to cease and desist. If the owner fails to remove the household or factory waste or sewage connection, the Public Works Supervisor will contact the *Ministry of Environment, Conservation and Parks*.

7. LANDSCAPING

An Encroachment Permit from the Municipality is needed to commence any landscaping operations that are performed within the limits of the right-of-way of a Municipal Road. Landscaping operations include, but are not limited to, placing fill for berms, grading material, placing topsoil, or planting trees or vegetation, and management activities such as pruning or removal. Landscaping plans shall be forwarded to the Municipality as applicable, for review and approval before work may commence.

The Public Works Supervisor may specify such conditions as deemed necessary for the granting of the permit, such as but not limited to:

- Any pruning or removal of trees within a Municipal right-of-way, or the need for equipment in the right-of-way, shall require an Encroachment Permit.
- Trees suitable to the area, hardy and tolerable of roadside conditions, must be chosen for tree planting. All planting must be completed to current Municipal planting specifications.
- If a landscaping project, or the maintenance required, will be extensive, the Municipality may wish to enter into a legal agreement with the encroachment owner or party. An example of such is where a developer will be grading part of the right-of-way or placing extensive plantings. Items addressed will be:
 - responsibility for maintenance of the ground cover and plant material; grass mowing and weed control requirements; tree maintenance including watering, fertilizing, pruning, insect control (if needed), and replacement of dead trees.
- Grading revisions to existing ground should ensure that the new grade will be gradual and natural in appearance and should slope no steeper than 3:1 and preferably should be 4:1 to permit mowing and other maintenance.
- When part or all of an earth berm is to be placed on the right-of-way, the contours should be viable, and the ends of the berm should taper gradually to existing ground. Before an application for a berm is approved, the Public Works Supervisor will determine if the berm could be placed on private property or at the property limit with the fill area extending both onto private property and the right-of-way.

8. SAFETY

The following safety measures are to be taken by the owner of any encroachment:

- The owner of an encroachment must comply with all requirements as outlined by the *Ontario Highway Traffic Act* and *Ontario Traffic Book 7*.
- The owner of an encroachment, any contractor, or any worker performing work related to an encroachment, must comply with all regulations and requirements of the *Ontario Occupational Health and Safety Act*.
- As per the *Ontario Highway Traffic Act*, if a portable lane control signal system is required, it shall not be located at an intersection or pedestrian crossover and shall not be located in any place or manner to conflict with any signal-light traffic control system.
- Portable lane control signals, associated signing, and the layout must be in accordance with the *Traffic Control Manual for Roadway Work Operations*.

- When the work for an encroachment is outside the shoulders of a Municipal Road, the owner of the encroachment must ensure, where possible, vehicles and equipment are parked clear of the shoulders. Prolonged parking on the shoulders will not be permitted in any circumstances. Parking on the shoulders at night will not be permitted except in emergency situations as determined by the Public Works Supervisor, and all vehicles and equipment must be suitably illuminated or barricaded.
- Encroachments which interfere with the clear vision of the travelling public, such as restricting visibility at an intersection, will not be approved.
- The permanent works of an encroachment must be located in a manner that does not interfere with traffic and does not create a traffic hazard.
- When the safety conditions of a permit or of an agreement have been violated, the permit or agreement may be cancelled by the Municipality. The Municipality may establish a time limit for the removal of the works from the right-of-way of a Municipal Road of not less than thirty (30) days and not more than six (6) months from the date of cancellation of the permit. The Public Works Supervisor will determine if it's advisable to leave the works in the ground, such as those located under the roadway.

9. PROCEDURES

9.1 Encroachment Permit Application

The Encroachment Permit Application Form is available at the Municipality of Powassan office at 250 Clark Street or online at www.powassan.net.

9.2 Submitting an Application

- Fees as found in the User Fee Bylaw must be included.
- Detailed plans and specifications of the proposed encroachment, to the satisfaction of the Public Works Supervisor or their designate must be included.
- The plans or drawings should show the location and extent of the proposed installation as it relates to the Municipal Road. Each plan or drawing for an installation which crosses under a Municipal Road shall include a key plan, a detail plan, and a profile.
- It is the responsibility of the applicant to ensure that the construction of the encroachment is in accordance with the requirements of all applicable regulatory agencies having jurisdiction (i.e., North Bay-Mattawa Conservation Authority), and approvals must be shared with the Municipality.
- Depending on the complexity of the proposed Encroachment Permit, the Municipality may also require a legal agreement.
- Permits will not be issued for encroachments such as a drain or ditch carrying household or factory waste, sewage, or pollutants.
- To change the permit holder, a new application must be submitted. If the new owner proposes a change to the encroachment, the change(s) are subject to the approval and requirements of the Municipality. No work shall commence until the new permit has been issued or approval in writing given by the Public Works Supervisor.
- Any change in classification of an encroachment must be approved by the Municipality and an Application for Encroachment Permit completed for each classification change requested.

9.3 Upon approval of the Permit, Municipal staff shall determine the insurance coverage required from among the options provided under Schedule A of this procedure.

9.4 Applicants are bound by the conditions contained in the Encroachment Permit. If during the life of a permit any Acts or Regulations are enacted which affect the rights and privileges granted by a permit or agreement, the said Acts and Regulations shall apply to each permit from the date they come into force.

9.5 Applications are to be fully completed and delivered via email or mailed to the Municipality of Powassan at the attention of the Public Works Supervisor to:

Municipality of Powassan
Attention: Public Works Supervisor
250 Clark Street, PO Box 250
Powassan, ON P0H 1Z0
publicworks@powassan.net

The Municipal Council may, by resolution, apply for a Municipal Encroachment Permit to the Public Works Supervisor for:

- Approval to construct or reconstruct sidewalk/bicycle paths along a Municipal Road. The application shall indicate location, type, length, width, and estimate cost.
- Approval for volunteer work, such as flower plantings on Municipal Roads or Bridges. The Permit ensures the Municipality is responsible for the works and that insurance is on file for the volunteers.
- The Municipality is exempt from the Encroachment Permit fee.

9.6 Encroachment Permit Conditions

Any Conditions regarding Encroachment Permits shall apply to all Municipal roads over which the Municipality has authority under the *Municipal Act*.

- Conditions of an Encroachment Permit shall be binding upon the applicant, executors, and administrators.
- Permits cannot be assigned without approval from the Public Works Supervisor. Any assignees are bound by the same terms and conditions of the original Permit unless notified otherwise.
- Each Permit shall continue in force until the expiry date or until notice of cancellation of the Permit by the Municipality is received.
- When the Conditions of a Permit are not fulfilled by the applicant, the Public Works Supervisor, if considered advisable, may do the work required to put the right-of-way in a condition satisfactory to the Municipality. The cost of the work performed by the Municipality will be charged against the encroaching party.
- When work is performed by the Municipality, in connection with an encroachment, the Municipality shall prepare an itemized statement of the work performed and invoice the owner of the encroachment or Encroachment Permit, for the cost. Failure by the owner of the encroachment to pay an invoice for work performed by the Municipality within the time specified on the invoice may result in the cancellation of the Permit. The Municipality may also take action to remove the works if the Public Works Supervisor considers this advisable.
- When construction, maintenance, operation, or alteration of works under an Encroachment Permit must interfere in any way with a Municipal road or with the land or the roadway or any structure or other facility pertaining to a Municipal road, the owner of the encroachment

must maintain, restore or rebuild the road, other approved utility, land, roadway, building, structure, fence, lawn, garden, shrubbery, driveway, culvert, sidewalk, curb, gutter, or any other installation to the satisfaction of the Municipality.

- Work relevant to the encroachment located within the limits of the right-of-way of a Municipal Road must meet the standards established or adopted by the Municipality.
- All work must be completed at the expense of the encroachment owner and within the time limits established by the Municipality. The Municipality shall advise the encroachment owner of any complaints made by a Municipal property owner regarding interference of their property. The Public Works Supervisor will notify the owner of the encroachment with a timeframe to resolve the complaint. If the complaint is not resolved the Municipality may take steps to resolve it without further notice to the owner of the encroachment and invoice them for the costs incurred in restoring the property or in settling the conflict.

The Municipality is committed to the Ontario Provincial Standards for contract design, award and construction for road, sewer, and water main work. Ontario Provincial Standard Specifications and Ontario Provincial Standard Drawings can be found at <https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Portal/tp/opsSplash.aspx>.

The appropriate specifications and standard drawings should be consulted for material requirements and acceptable construction procedures to be followed during installation of an encroachment.

9.7 Permit Expiry

Application for a new Encroachment Permit must be made at least sixty (60) days *before* the expiry date of a current Permit:

- A new application may be approved or refused, and any new approval is subject to the current requirements of the Municipality.
- When a new application is approved, a new Permit will be issued by the Municipality.
- When a Permit for an encroachment expires and an application for a new Permit is not approved by the Municipality, the full cost of removing the encroaching works will be borne by the owner.
- Work(s) that the Municipality requests to be removed by the owner must be done within the timeframe set out by the Public Works Supervisor, after the expiry date of the Permit. The right-of-way and any works related to the Municipal Road(s) must be left in a condition satisfactory to the Municipality.
- If the work(s) which the Municipality requires the owner of the encroachment to remove, are not removed within the timeframe determined by the Public Works Supervisor, the said work(s) and any work(s) which are left in place will become the property of the Municipality.
- In certain cases, such as the encroachment was a minor landscaping project and no ongoing conditions are attached, the Encroachment Permit may be allowed to expire with no further action to be taken.

In the case of Municipal Encroachments, the normal cost-sharing provisions of the Permit will apply unless the encroachment was approved on a temporary basis, in which case the cost of removal will be borne by the owners of the Municipal Encroachment.

9.8 Revocation of an Encroachment Permit

Should an Encroachment Permit owner breach any of the conditions of the Permit, the Municipality may direct Municipal employees or contractors to complete the work required under

the Permit or remove the encroachment works and re-instate the prior roadway condition and collect the cost of the work pursuant to the provisions of Sections 398 and 446 of the *Municipal Act, 2001*.

An Encroachment Permit issued under this Policy may be revoked by the Municipality if:

- It was issued based on mistaken, false, or incorrect information.
- The Public Works Supervisor deems the construction substantially suspended or discontinued for a period of more than one (1) year.
- It was issued in error.
- The applicant requests in writing that it be revoked.
- A condition of the Encroachment Permit has not been complied with.

9.9 Appeals

An applicant may appeal the decision of the Public Works Supervisor with respect to the issuance of the Encroachment Permit or any of its conditions to the Municipal Council.

A written notice of appeal to the Municipal Clerk setting out the reasons for the appeal and accompanied by the applicable fees prescribed in Schedule “F” of the User Fees Bylaw, is required.

The decision of Council is final and binding.

9.10 Costs

All costs associated with an Encroachment Permit are the responsibility of the applicant.

Costs may include, but are not limited to:

- Applicable Encroachment Permit application fees, construction materials and labour, utilities, traffic control devices, layout, surveying, insurance, legal costs and removal of non-conforming works. Refer to the User Fees Bylaw for applicable fees. The Permit application fee is not refundable.
- Additional fees may be added depending on the application and as set out by the Municipality.
- Cost recovery fees for Municipal work associated with the encroachment.
- The applicant is responsible for paying all costs associated with Municipal utility locates.

If an applicant fails to comply with the requirements or provisions of this Policy, the Municipality may recover the expense by requesting that the Municipal Treasurer include any outstanding fees, in whole or in part, incurred by the Municipality, to the tax roll pursuant to the provisions of section 398 and 446 of the *Municipal Act, 2001*.

9.11 Changes to Encroachments

An Encroachment Permit must be applied for and obtained before commencement of any changes, alterations, additions, or plans to tap into installation after an encroachment has been placed.

An application to move an existing encroachment to another location within the limits of the right-of-way of a Municipal Road must be approved by the Municipality. The permit for the existing encroachment must be cancelled and a new permit for the new location issued. The full cost of removing and relocating an encroachment shall be borne by the owner.

9.12 Encroachment Removal

With a minimum of thirty (30) days' notice to the owner of an encroachment, the Municipality may require the suspension of operations, either temporarily or permanently, or the removal, alteration, relocation, or abandonment of works constructed, maintained, or operated within the limits of a Municipal Road regardless of the term of the applicable permit. Upon receipt of notice the owner of the encroachment must make arrangements to abide by the requirements of the notice and the Municipal Road right-of-way must be left in a condition that is approved by the Public Works Supervisor.

If the owner of an encroachment ceases operation or abandons an encroachment, the owner of the encroachment may be required to remove the works and bear the cost of the removal of the works. This will be determined by the Municipality.

9.13 Administration and Enforcement

Administration will be completed by the Public Works Supervisor or designate, except recovery costs which will be administered by the Municipal Treasurer.

Enforcement will proceed as set out by the Municipality, by persons appointed pursuant to section 15 of the *Police Services Act* and referred to in this procedure as *Municipal Bylaw Enforcement Officers*.

Any person who contravenes any of the provisions of this procedure is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990*, as amended, and such fine is recoverable under the *Provincial Offences Act, R.S.O. 1990* as amended.

If a person has been convicted of an offence under this procedure, pursuant to section 431 of the *Municipal Act, 201*, the court in which the conviction has been entered may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.