

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.

ENCROACHMENT PERMIT APPLICATION

Permit Number (For Office Use):		SR Number:	
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APPLICANT CONTACT INFORMATION:

Name:	
If Numbered Company, Please Provide Name of Principal Contact Person:	
Address (Including Postal Code):	
Telephone Number:	
Fax Number:	
Email:	

APPLICATION FOR:

Commercial:		Residential:	
Municipal:		Recreational:	
Public Utility:		Other:	

APPLICATION TO:

Construct:		Maintain:		Repair:		Move Existing:		Landscape:	
Remove:		Classification Change:		Change In Ownership:		Alter:		Other:	

Date of Service:	
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DESCRIPTION OF WORKS:

The following Works are within the limits of a Municipal Road. The Works will be in place until removal or relocation is requested by the Municipality of Powassan. If removal or relocation is requested, such removal/relocation shall be at the sole expense of the Applicant, unless covered under the *Public Service Works on Highways Act*.

WORKSITE LOCATION:

Property Owner Name:		Property Owner Telephone Number:	
Municipal Road Number or Road Name:		Located on Which Side of Road: (N/E/S/W)	
Distance From Nearest Intersecting Road:		Name of Nearest Intersecting Road:	
Nearest Civic Address:		Amalgamated Municipality:	
Concession Number:		Lot Number:	
Former Township:		City/Town:	

WORK CROSSES:

OVER the Municipal Road:		UNDER the Municipal Road:		The Municipal Road at GRADE LEVEL:	
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Work is on the Right-Of-Way for a Distance of _____ feet/metres.

Distance of Works from Center Line _____ feet/metres.

From Property Line _____ feet/metres.

Depth of Works Below Grade of Municipal Center Line _____ feet/metres.

Length and Diameter of Pipe/Culvert, if any _____ feet/metres.

If Application is for a water line or sewer approved by or subject to the approval of the Ministry of the Environment or for a water pipeline or sewer in which this Ministry is involved in any way:

Approval Received:		Approval Not Received:		Not Applicable:	
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Please provide a copy of approval with Application.

Indicate which, if any, of the following will be affected:

Road Drainage:		Trees, Shrubs, Plantings:		Guide Rail:		Signs:		Nil:	
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Four (4) copies of a detailed plan and profile, drawn to scale and the specifications of the encroachment showing the proposed work, location, materials, reinstatement of Municipal property and how the work will be conducted, must accompany each application.

ENCROACHMENT PERMIT APPLICATION

CONDITIONS

The Applicant understands that:

1. Each Encroachment Permit Application shall be subject to the payment of a fee. The fee shall be submitted with the application. The fee amount is set by the Municipality of Powassan from time to time and is available for viewing at the Municipal office or on the Municipal website.
2. Failure to pay the prescribed fee shall result in the cancellation of the permit.
3. Municipalities are exempt from the Encroachment Permit Fee but are still responsible for applying for an Encroachment Permit.
4. The encroachment for which this permit is issued must be completed within six (6) months of the date that the permit is issued, or the permit shall be void and cancelled by the Municipality of Powassan.
5. An extension of the expiry date may be approved, approved with or without additional conditions, or denied by the Municipality of Powassan.
6. If this permit expires and is not renewed, all works constructed, maintained or operated under this permit, if the Municipality of Powassan so requests, shall be removed in the timeframe given, at no cost to the Municipality.
7. In addition to the conditions of this permit, the Applicant must meet all requirements of the Municipality of Powassan and any other agency having jurisdiction.
8. An Encroachment Permit may be cancelled at any time for breach of the regulations or conditions of this permit or for such other reasons as the Municipality of Powassan in its sole discretion deems proper.
9. All work authorized by this permit shall be carried out in accordance with approved plans, specifications and any relevant agreement(s), and subject to the approval of the Municipality of Powassan. The Applicant must bear all expenses related to the permit.
10. The Applicant shall complete and provide a Notification of Field Work Form to the Public Works Supervisor or Designate, 48 hours in advance of the commencement of the approved works.
11. All lane closures shall confirm to *Ontario Traffic Manual Book 7*. Prior to the approved works beginning, the layout shall be provided in writing to the Municipality of Powassan.
12. Vegetation on the right-of-way must not be cut or trimmed without the written permission of the Municipality of Powassan. Any cutting or trimming permitted must be carried out in compliance with requirements specified by the Municipality of Powassan or its authorized agent and at the expense of the Applicant.
13. During the works of the encroachment, the Applicant shall ensure that the operation of the Municipal Road is not interfered with, and that the right-of-way remains free of debris, earth, or other material.
14. All work shall conform to the *Occupational Health and Safety Act*.

15. The Applicant agrees that it shall, at its own expense, procure and carry, or cause to be procured and carried and paid for, full *WSIB* coverage for itself and all workers, employees, and others engaged in carrying out the approved works or, if the Applicant is exempt from the requirement to carry workers' compensation coverage, the Applicant shall provide written confirmation of such exemption to the Municipality of Powassan.
16. At all times, both during construction and throughout the entire period of existence of the approved encroachment, the Applicant is always responsible for any and all maintenance and repairs necessary to be made to the encroachment work and all parts thereof.
17. If during the life of this permit any Acts are passed or regulations adopted which affect the rights herein granted, the said Acts and regulations shall be applicable to this permit from the date on which they come into force.
18. The Applicant shall indemnify and hold harmless the Municipality of Powassan, its officers, members of Council, agents, servants, employees, invitees or licensees from and against any liabilities, claims, expenses, demands, loss, cost, damages, actions, suits or other proceedings by whomsoever made, directly or indirectly arising out of this permit attributable to bodily injury, sickness, disease or death or to damage to or destructions of tangible property including loss of revenue or incurred expense resulting from disruption of service; and/or caused by any acts or omissions of the Applicant, its officer, agents, employees, with respect to activities, undertaken arising out of this permit and/or by the existence of the approved encroachment.
19. The Applicant shall, at their expense, obtain and keep in force insurance coverage in amounts acceptable to the Municipality. Specific requirements shall be determined by the Municipality on a case-by-case basis, based on Municipal policy and procedures. No work shall commence without providing the appropriate proof of coverage to the Municipality of Powassan in relation to the carrying out of the approved Works.
20. The Applicant shall be responsible for all damage caused to Municipality of Powassan property in relation to the carrying out of the approved works.
21. Throughout the installation period, the Applicant shall immediately notify the Municipality of Powassan of any occurrence, incident or event which may reasonably be expected to expose either party to material liability of any kind in relation to the road and/or the encroachment.
22. The Applicant agrees to protect all survey markers and monuments in the vicinity of the work and agrees to replace all markers and monuments if damaged.

ENCROACHMENT PERMIT APPLICATION

CHECK LIST

Please ensure all necessary parts of the Application are included:

- The Required Fee of \$ _____ is enclosed.
- The Required Fee is Waived:
 - The Municipality is exempt from the Encroachment Permit Fee but is still responsible for applying for an Encroachment Permit.
 - Utility providers that pay property tax to the Municipality on their respective in-ground infrastructure are exempt from the Encroachment Permit Fee but are still responsible for applying for an Encroachment Permit.
- The Required Insurance Documentation is enclosed.
- The Required Detailed Plan and Profile is enclosed.

I hereby acknowledge that I have read and understand the Municipality of Powassan Encroachment Permit Policy and Procedure, the terms of this Encroachment Permit Application and further wish to apply for an Encroachment Permit based on these terms, by which I will abide.

I, the undersigned, have the authority to bind this Permit.

Applicant's Name

Company Name

Applicant's Signature

Date

OFFICE USE ONLY

Patrol:	<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D
Inspectors' Recommendations:	<input type="checkbox"/> Approval Recommended <input type="checkbox"/> Approval Not Recommended <input type="checkbox"/> Referred To Public Works Supervisor
Name of Inspector:	
Signature of Inspector:	
Date:	
Comments:	

APPROVED

This Encroachment Permit Application has been approved. The Permit will expire six (6) months from the date of execution by the Municipality as indicated below. **Please submit a completed Notification of Field Work Form to the office 48 hours prior to initiating work.**

NOT APPROVED

This Encroachment Permit Application does not conform to Municipality of Powassan requirements and therefore will not receive approval. The following outlines the issues preventing approval:

Public Works Supervisor or Designate

Date

Six (6) Month Expiry Date:	
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Upon completion of the works as noted in this Encroachment Permit Application, the Permit Holder shall submit a Final Inspection Request Form to the Municipality.

ENCROACHMENT PERMIT

SCHEDULE A

INSURANCE REQUIREMENTS:

Staff will select one of the two following insurance requirement options to be applied to an Encroachment Permit, based on the type and scope of the encroachment. Further, based on the potential risks to the Municipality of Powassan posed by an encroachment, staff will have discretion to increase the limits and types of coverage required for an Encroachment Permit under Option 2.

Option 1

The Permit Holder shall, at its expense, obtain and keep in force during the term of this Agreement, insurance satisfactory to the Municipality, including the following and underwritten by an insurer licensed to conduct business in the Province of Ontario:

- a) Commercial General Liability, including:
 - The Owner shall be named as an additional insured, including a provision for cross liability;
 - Property Owner Liability Insurance required for the Permit Holder completing the work of not less than \$2,000,000/occurrence;
 - If the Permit Holder has a Contractor completing the work, the Contractor shall supply a limit of liability of not less than \$5,000,000/occurrence;
- b) If the Permit Holder is the Contractor, Automobile Liability Insurance under a standard Automobile policy with limits of not less than \$2,000,000/occurrence in respect of each owned or leased vehicle;
- c) That 30 days prior notice of an alteration, cancellation or material change in policy terms which reduces coverage's shall be given in writing to the Municipality of Powassan.

The Permit Holder shall provide a certificate of insurance to the Municipality of Powassan prior to approval of any and all works being performed under the approved encroachment permit.

Option 2

The Permit Holder shall, at its expense, obtain and keep in force during the term of this Agreement, insurance satisfactory to the Municipality of Powassan including the following and underwritten by an insurer licensed to conduct business in the Province of Ontario:

- a) Commercial General Liability with a limit of liability of not less than \$10,000,000/occurrence, including:
 - The Owner shall be named as an additional insured, including a provision for cross liability;
 - Non-owned automobile coverage of not less than \$5,000,000/occurrence;
 - Products and completed operation coverage of not less than \$10,000,000/occurrence.
- b) Environmental Liability coverage with a limit not less than \$2,000,000/occurrence;
- c) Automobile Liability Insurance under a standard Automobile policy with limits of not less than \$5,000,000/occurrence in respect of each owned or leased vehicle;
- d) That 30 days' prior notice of an alteration, cancellation or material change in policy terms which reduces coverages shall be given in writing to the Municipality of Powassan.

That Permit Holder shall provide a certificate of insurance to the Municipality of Powassan prior to approval of all works being performed under the approved Encroachment Permit.

NOTIFICATION OF FIELD WORK

PERMIT NUMBER:	
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This completed notification must be submitted at least 48 hours prior to commencing work on Municipality of Powassan rights-of-way by:

- Fax to (705) 724-5533 Attention Public Works Supervisor or Designate
- Email to office@powassan.net

Company Name Work Is For: _____

Contractor Performing Work: _____

Location of Work – Name of Municipal Road: _____

Closest Civic Address (if available): _____

Township/Municipality: _____

Date of Work: _____

Description of Work: _____

Duration of Work: _____

Typical Layout (TL) Figure Number: TL- _____

Type of Operation:

Ploughing Off Road Cut Entrance Trenching Pole Work

Lane Closure Road Closure Sign Installation Directional Drilling

Signature

Print Name

Date

Notes: _____

ENCROACHMENT PERMIT

FINAL INSPECTION REQUEST FORM

Permit Number:	
Property Owner / Permit Holder Name:	
Civic Address Number:	
Street Name:	
Former Township/Municipality:	

I hereby request a final inspection on my encroachment, located at the above noted address, as per the permit number indicated. All requirements have been met as per the applicable Municipality of Powassan Policy/Procedure, and all related work has been completed.

Signature of Permit Holder

Date

OFFICE USE ONLY:

Signature of Inspector

Date

APPROVED

This Encroachment Permit has been inspected and deemed satisfactory by Municipality of Powassan Staff.

NOT APPROVED (if not approved, please see comments below)

This Encroachment Permit has been inspected and does not conform to Municipality of Powassan requirements at this time. Further work is required. The following outlines the issues preventing approval:

Public Works Supervisor or Designate

Date