

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW NO 28-14
FOR THE YEAR 2014**

**BEING A BY-LAW FOR THE PURPOSE OF REGULATING THE OBSTRUCTING,
ENCUMBERING, INJURING OR FOULING OF HIGHWAYS AND BRIDGES**

WHEREAS the Municipal Act, S.O. 2001 as amended, Section 2 provides that each municipality is given powers and duties for the purpose on providing good government with respect to matters within their jurisdiction; and

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, as amended, provides that a municipality's capacity, rights, powers and privileges must be exercised by By-Law; and

WHEREAS the Corporation of the Township of South Glengarry has deemed it necessary to regulate the obstructing, encumbering, injuring or fouling of highways and bridges;

WHEREAS the Municipal Act, S.O. 2001, Section 391 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the Township of South Glengarry hereby enacts as follows:

1. Short Title

1.1 That this By-Law shall be known as the ~~%R~~Road Cut By-Law+

2. That the installation, alteration or repair of underground structures including pipelines, utilities and other services to property on road allowances be subject to the requirements outlined in the Standards, Specifications and Requirements regulating the obstructing, encumbering, injuring or fouling of highways or bridges, attached hereto as Schedule ~~%A~~+and forming part of this By-Law

3. That fees for Road Cuts and Road Cut Deposits are prescribed and attached hereto as Schedule ~~%B~~+and forming part of this By-Law

4. That any person contravening the requirements of this by-law shall be guilty of an offence and shall be liable to penalties as provided for in the Provincial Offences Act, R.S.O., 1990.

5. That this by-law shall come into full force and effect upon the final passing thereof.

READ and passed in Open Council, signed and sealed this 26th day of May, 2014

MAYOR

CLERK

SCHEDULE "A" TO BY-LAW 28-14

The granting of a permit under By-Law shall be subject to the following Standards, Specifications and Requirements:

1. The applicant/owner must apply to the corporation of the Township of South Glengarry for permission to undertake a road cut and agree to conform to the Township's conditions, standards & specifications governing road cut reinstatement if a permit is issued.
2. Approval for excavation and open cut crossings shall not be given unless it is determined to the satisfaction of the Corporation that auguring, pushing, drilling or boring is not deemed to be expedient or practical for the intended work.
3. The work cannot be performed until the prescribed fee of \$150.00 has been paid and a permit issued by the corporation has been received by the applicant/owner.
4. All costs associated with the construction and geotechnical inspections shall be borne entirely by the applicant/owner.
5. Any person or contractor wanting approval to perform work for any of the aforementioned purposes shall be required to deposit a minimum amount of \$2,000.00, by certified cheque, with the Corporation of the Township of South Glengarry as surety for satisfactory performance of the work to be performed. The value of the surety can be increased by the Township if the scope of the proposed work exposes the Township to potential damages greater than the minimum deposit amount.
6. Full time geotechnical inspection/compaction tests are required by a recognized soils testing company during re-instatement of the trench at the applicant's cost. If geotechnical testing has not been undertaken, or test results indicate that minimum compaction and/or geotechnical requirements are not met, the Township reserves the right to withhold release of the surety for 1 year to confirm that trench settlement has not occurred. If trench settlement has occurred, the repair will be undertaken at the applicant's expense.
7. The \$2,000 certified cheque shall be released when the following has been met:
 - (a) The work has been performed to the satisfaction of the Township;
 - (b) The re-instated grassed areas have established;
 - (c) All test results indicate compliance with geotechnical requirements; and
 - (d) As-built drawings showing the location and elevation of the new services crossing the road have been provided to the Township.

8. Any deficiency or non-compliance that is not corrected to the satisfaction of the Township within the period of two (2) months following the giving of written notice shall be corrected by the Corporation at its sole discretion and the cost thereof, less the surety amount, will be recovered from the owner of the property receiving the benefit of the underground structure.

PROVIDE THE FOLLOWING INFORMATION TO YOUR CONTRACTOR PRIOR TO OBTAINING A PRICE TO COMPLETE THE WORK

1. All work for which approval is given, except for emergency repairs shall be conducted during normal working hours (7:00 to 17:00 hours, local time) and on regular working days (Monday to Friday inclusive), except statutory holidays.

2. The following is the general prescribed method to restore road cuts on Township roads. The Township's General Manager Infrastructure Services may modify these requirements based on existing conditions or recommendations from a geotechnical consultant.

Materials

All materials shall conform to the Ontario Provincial Standard Specifications.

General Method to Reinstate Road Cuts

Step 1: Excavation

Excavate to the required depth. Excavation shall comply with Occupational Health and Safety Act (OHSA) requirements. Separate the native soil from any granulars.

Step 2: Trench Backfill

Following installation of the pipe(s), pipe bedding and surround, the trench shall be backfilled with native soil placed in compacted layers at a maximum pre-compaction thickness of 300 mm. In the event that the existing soil is not suitable for use as backfill, appropriate backfill material as approved by a geotechnical engineer must be used. Backfill shall be compacted to a minimum 95% Standard Proctor Density (SPD). The trench backfill shall extend from the pipe cover to the bottom of the granular base layer.

The top lift of backfill material shall be shaped to slope from the centreline down at 3% towards the edge of shoulder.

Should the layer to be backfilled with native soil be less than 1200mm, the entire depth of the cut shall be re-instated using a frost taper with a slope of 15:1 as per Ontario Provincial Standards Drawing (OPSD) 803.030. The frost taper shall be backfilled with

Granular sB in lifts not exceeding 200mm thick. Granular sB in the frost taper shall be compacted to 100% Standard Proctor Density (SPD).

Step 3: Granular Re-instatement

The existing granular base shall be cut back at a 1:1 slope from the top of the sub-grade elevation. If re-instating with a frost taper the existing granular base shall be cut back at a 15:1 slope. Re-instatement of granular material shall match existing. At minimum, Granular sB subbase material shall be 300mm thick and Granular sA base material shall be 200mm thick. The minimum accepted compaction for the granulars shall be 100% Standard Proctor Density in lifts not exceeding 200mm thick.

The top of the Granular sA base material shall be shaped to slope from the centreline down at 2% towards the edge of shoulder and level with the bottom of the existing asphalt. The minimum asphalt thickness to be reinstated shall be 50mm thick if the existing asphalt is less than 50mm thick.

Step 4: Asphalt Re-instatement

The existing asphalt shall be saw cut a minimum of 300 mm back from the top of the edge of the new granular. For cuts which cross the road the asphalt shall be removed in a dovetail with the apex at the road centreline.

Just prior to placing the asphalt the granular surface shall be re-graded and re-compacted. HL-4 asphalt shall be installed in 50mm lifts (min.). The asphalt shall be compacted in a direction parallel to the direction of traffic flow. Asphalt shall be compacted to 100% Standard Proctor Density.

3. Roadside restoration shall be conducted as noted - the Township may modify these requirements based on existing conditions:

Step 1: Excavation and Trench Reinstatement

Excavation and trench re-instatement shall be completed as noted in the %General Method to Re-instate Road Cuts+. The trench backfill shall extend to within 100mm of the surface.

Step 2: Topsoil and Seeding/ Topsoil and Sod

A minimum of 100mm of topsoil shall be spread and compacted over the area to be re-instated. In rural areas the area shall be re-instated with standard highway seed mixture. In urban areas, the lawns and boulevards shall be repaired with sod.

SCHEDULE "B" TO BY-LAW 28-14

FEES

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| 1. Application/Permit Fee | \$150.00 |
| 2. Security Deposit | \$2,000.00 |