



**MUNICIPAL
CONSENT
SUBMISSION
REQUIREMENTS**

REQUIREMENTS
FOR THE INSTALLATION OF SERVICES
WITHIN THE TOWNSHIP OF SCUGOG'S RIGHT-OF-WAY

February 5, 2024

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APPENDIX A – MUNICIPAL CONSENT PROCESS

1. INTRODUCTION

The objective of the Municipal Consent Requirements is to provide for the efficient review of municipal consent applications to make utility installations within the Township of Scugog's right-of-way, and to ensure that, the Township receives the necessary information for it to effectively fulfill its responsibility as custodian of the right-of-way.

Standard Utility Corridors and alignments have been established to avoid conflicts in the planning of projects by various utilities occupying the right-of-way and to minimize the impact of proposed work on adjacent infrastructure.

All work within the right-of-way will require Municipal Consent from the Township.

This document applies to all utility companies, commissions, agencies, boards, associations, municipal departments and private stakeholder applicants proposing to undertake work within the Township of Scugog's right-of-way.

2. MUNICIPAL CONSENT APPLICATION CONDITIONS

Applications are approved by the Township to allow an Applicant to perform work related to the installation and maintenance of plant within the Township's right-of-way.

The approval of a Municipal Consent is valid for a period of one year from the date of issuance. If the work is not completed in its entirety within a one year period, the applicant must reapply.

By submitting an application to perform work within the public right-of-way, the Applicant agrees to:

- i. Indemnify and hold harmless the Township of Scugog and its elected officials, officers, directors, employees, representatives, successors and assigns (collectively the Indemnities) from all claims of injury, damage or loss, including legal costs, howsoever arising, due to the construction, operation and/or maintenance of the work or temporary repairs referred to in this application unless such injury or damage was caused by the negligence or willful misconduct of the Township.
- ii. Indemnify and hold harmless the Indemnities from all claims and actions resulting from any preserved or perfected lien under the *Construction Lien Act (Ontario)* in connection with the construction, operation and/or maintenance of the work or temporary repairs referred to in this application. The Applicant shall cause any such lien or claim which may be filed or made to be released, vacated or otherwise discharged within 20 days of receiving notice of the lien or claim by the Township or otherwise. If the Applicant fails to release, vacate or discharge any such lien or claim, the Township may, but is not obligated to, obtain a discharge or release of the lien or claim or otherwise deal with the lien or claim, and the Applicant shall pay all costs and expenses, including legal fees, incurred by the Township in so doing.
- iii. Conform to and comply with all applicable laws and regulations including, but not limited to, the *Occupational Health and Safety Act (OHSA)*. The Applicant will indemnify and hold harmless the Township of Scugog from and against all liability resulting from any and all failures to meet the responsibilities referred to in the OHSA, including any fine(s) levied against the Township of Scugog as a result of any breach of the responsibilities of the employer for the project, to the extent attributable to the Applicant's failure to fulfill its obligations.
- iv. Perform all work in accordance with any legislated or negotiated agreements, such as municipal access agreements, applicable bylaws, the permit and this document.
- v. Applicant is responsible for any damages caused to public or private infrastructure during construction. Applicant must restore any damaged

infrastructure to its original condition or better, to the satisfaction of the applicable agency and/or utility company.

- vi. Applicant is solely responsible for coordinating design and construction with all applicable agencies and utility companies. Any information shared under 'Section 8.5 SIGN OFF BY ADJACENT UTILITIES' is considered proprietary information and is for the purpose of design and construction coordination only and no other improper use. Applicable agencies/companies circulated are required to respond within sixty (60) days. If no response is received from a(n) agency/company within the aforementioned timeframe, it will be assumed that the agency/company has no infrastructure in the work area and therefore the agency/company waives any future claims of damages to infrastructure the agency/company has failed to identify and/or may result in applicant pursuing legal action for damages from the delay.

3. DEFINITIONS

"Applicant" means any utility company, commission, agency, municipal department or private party applying for Municipal Consent to gain approval for the placement of apparatus within Township's Public Road Allowance.

"Township" means the Township of Scugog or its authorized representative.

"Emergency Work" means work that must be complete immediately because health, safety or the provision of essential services is endangered. This emergency work could result from a broken watermain, gas line break, damaged hydro lines or severed telecommunication line.

"Municipal Consent" means the approval of a comprehensive drawing submission on the placement of apparatus within Township's road allowance which has been approved by the Township.

"Plant" means any infrastructure referred to a utility system including poles, cables, pipes, conduits, pedestals, antennas, vaults, support structures or any other similar facilities or structures.

"Right-Of-Way" means the surface of, as well as the spaces above and below public road allowances.

"Road Occupancy Permit" means a permit issued by the Township for the purpose of Authorizing the commencement of all work taking place within the Township Road allowance.

"Work" means the installation, maintenance, repair, replacement, extension or operation of any Plant in a public road allowance.

4. GENERAL REQUIREMENTS

In making an application for an installation within the right-of-way, the applicant must agree to the following:

- If the work arising out of an application is not commenced within twelve months of the issuance of the consent, the applicant will be required to apply for an extension of the municipal consent.
- A Road Occupancy Permit must be issued prior to the commencement of work on the Township Road Allowance by the contractor completing the Works.
- The applicant shall provide to the Township, Acceptance Letters from utility companies and as-constructed drawings of the completed work where required, as set out in this document.
- The applicant understands and agrees that in making an application for a right-of-way municipal consent and/or permit, the applicant agrees to abide by the terms and conditions of the consent and or/permit.

5. WORK REQUIRING ONLY A ROAD OCCUPANCY PERMIT

The following types of work require only a Road Occupancy Permit:

- Emergency work required to maintain or restore existing service (See Section 9.2 for Emergency Work);
- Exploratory work to investigate subsurface conditions;
- The construction of subsurface infrastructure connecting one or more individual users to the mainline distribution infrastructure, not crossing the pavement structure and not requiring the removal, relocation or alteration of the adjacent infrastructure;

All other types of work require both Municipal Consent and a Road Occupancy Permit

Applications for Road Occupancy Permits shall be made on the Township's website. Road occupancy is subject to the Road Occupancy By-law.

A plan indicating the nature and street location of the work arising out of the application shall accompany the Road Occupancy Permit Application.

The issuance of a Road Occupancy Permit to make an installation within the Township's Road Allowance does not relieve the Applicant of the responsibility to ensure that all affected parties are notified of the work and that the appropriate locates and clearances are obtained prior to commencing any installation.

6. WORK REQUIRING MUNICIPAL CONSENT

When work requires an excavation within the Township road right-of-way, or the work is for the placement of additional infrastructure, approval for this work is granted by a Municipal Consent. With the exception of "Emergency Work" as defined in the earlier definitions, no excavation shall commence before the issuance of a Municipal Consent by the Township.

Municipal Consents and Road Occupancy Permits are only issued to utility companies, commissions, agencies and municipal departments and private applicants which have the authority to construct, operate and maintain their infrastructure on the public road allowance as established through legislation or terms of a Municipal Access Agreement or Franchise Agreement.

All work within the Public Road Allowance, with the exception of work specified in Section 5, requires Municipal Consent from the Township and a Road Occupancy Permit. With the exception of Emergency Works, no installation shall commence before the issuance of a Municipal Consent by the Township.

7. APPLICATION FORM

The application for Municipal Consent shall be made through the Township's website. Incomplete applications will not be reviewed.

The date of application will be the date in which the Township receives the completed application.

One application form shall be completed for each street location where the proposed work is to be carried out. If, in the opinion of the Township, additional applications are required due to the length or scope of the work to be carried out, the applicant shall provide the requested applications.

Applications shall be submitted to the Township a minimum of 60 business days prior to the planned date of commencing the work. It is recommended that the application be submitted 90 days prior to the anticipated start of work depending on the complexity of work. The typical professional turnaround time to review and approve the municipal consent application is 15 business days from the date the application is complete. Comments and Resubmissions will extend the time requirement to obtain a Municipal Consent.

8. APPLICATION DRAWINGS

The Applicant shall provide a digital submission of their application and all associated documents via email in PDF format. The Township may request hardcopies of each drawing to be submitted for municipal consent.

Drawings must reflect actual site conditions and represent a constructable alignment and construction methodology. Drawings received that are deemed not constructible in terms of proposed alignment of construction methodology will be rejected.

8.1 DRAWING SCALE AND UNITS:

The scale of the design drawings shall be in accordance with the general guidelines outlined in Table 1:

Table 1- General Guidelines for Drawing Scale and Units

| Density of Existing Utility Plant | Horizontal Scale (Plan) | Vertical Scale (Profile) | Units |
|-----------------------------------|-------------------------|--------------------------|--------|
| Low | 1:500 | 1:100 | Metric |
| High | 1:200 | 1:100 | Metric |

8.2 DRAWING SIZE

The maximum size of any application drawing shall be ANSI D (22" x 34")

8.3 DRAWING DETAILS AND DIMENSIONS

The following information shall be accurately shown on the application drawings:

- A prominent arrow indicating the direction north;
- Legend;
- Scale;
- Street names, property and building numbers;
- 911 address in urban & rural areas;
- Lot, Concession and Township if in the rural areas;
- Property lines, right-of-way limits and easement limits;
- Driveways;
- Edge of roadway pavement or curbs;
- Guide rail or cable;
- Sidewalks;
- Fencing;
- Mature trees/dripline;
- Outlines of adjacent surface and subsurface structures;
- Location and depth of ditches;
- Description, location and dimensions of existing adjacent plant **including municipal infrastructure.**
- Description, location and dimensions of proposed plant;
- Method of construction
- Profile for EACH road crossing that have existing utilities under the road or shoulder area. Show utility depths based on record information (if available) and/or standard utility depth.
- All references to utility depths shall be based on geodetic elevations
- Acceptance letters by other utilities with respect to existing location of their plant, location of proposed plant by the applicant and no conflict with future undertakings.

For the purpose of preparing the application drawings, "adjacent surface and subsurface structures" and "adjacent plant" shall mean infrastructure that may be impacted by the work or is located within the applicable minimum clearance distances.

All dimensions pertaining to the location existing and proposed plant shall be referenced to the current and/or proposed streetline.

The drawing shall be grayscale with bold distinct line types to distinguish between types of proposed facilities.

8.4 DRAWINGS SIGNED/SEALED BY A PROFESSIONAL ENGINEER

Where required under the guidelines established by the Professional Engineers of Ontario, application and as-built drawings shall be signed and sealed by a Professional Engineer.

8.5 SIGN OFF BY ADJACENT UTILITIES

Prior to the issuance of a Municipal Consent, the applicant shall submit confirmation of clearance from all other utilities; agencies and commissions that may be impacted by the proposed work.

Please contact the Township for the latest circulation contact list.

The Applicant shall attach to its application:

1. a dated confirmation from each party that it has received the circulation, and
2. a circulation list which identifies
 - a) The parties receiving the circulation
 - b) The contact details and method of delivery to each party
 - c) The date that the circulation was issued
 - d) The date of response, if any, from each party.

Refer to Section 2 vi for the conditions of Utility Circulations for both the applicant and as a local utility company. It is recommended that the utility circulation occur prior to submitting an application, to resolve any identified conflicts, where applicable. The Applicant certifies that the Applicant will resolve all objections received and conflicts identified prior to resubmitting drawings to the Township for approval. Refer to Appendix A – Municipal Consent Process.

If, at any time after the permit application is submitted, the Applicant becomes aware of a conflict, it must immediately advise the Township of that conflict. See Section 9.3 - CHANGE REQUESTS FOR APPROVED WORK.

9. REVIEW AND APPROVAL PROCEDURES

9.1 GENERAL

Only upon receipt of a complete application by the applicant will the Township commence the review of the application. Incomplete applications will be returned to the applicant.

Upon completion of the review of the Municipal Consent Application, a copy of the approved application will be forwarded to the applicant. In the event the application is not approved, the application form will be returned to the applicant together with covering letter from the Township, which will identify the deficiencies with the application. **Drawings which do not reflect actual site conditions or do not represent a constructable alignment and/or construction methodology will be rejected and the application will be closed.** The applicant will need to submit a new application.

The issuance of a Municipal Consent by Township does not relieve the applicant of the responsibility to ensure that the notification requirements of this procedures manual are properly carried out and that the appropriate stakeouts and clearances are obtained prior to commencing the installation of the proposed work.

9.2 APPLICATIONS FOR EMERGENCY WORK

A review of applications for Emergency Work will be given priority by the Township. Applications for Emergency Work will normally be processed by the Township within 5 business days upon receipt of a complete application.

The requirement of emergency work shall not apply to work requiring a new excavation and be limited to the repairs or actions required in response to a failure of, or damage to, existing plant that results in, or has the potential to result in, danger to the public, a loss of an essential service, and/or damage to infrastructure or other utility plant

Emergency Work is permitted prior to submission of a Road Occupancy Permit Application by notifying the Township (905-985-7346) of the emergency prior to doing any repairs. The completed Road Occupancy Permit Application must be submitted upon completion of the emergency repairs on the next business day.

In the event that EMS or police assistance is required, call 911.

If the installation of new or additional infrastructure is required for the emergency repair, a Municipal Consent application must be submitted on the next business day.

9.3 CHANGE REQUESTS FOR APPROVED WORK

Upon receiving the applicable locates, the applicant shall review locate markings/drawings onsite to review any potential conflicts prior to construction. In the event that a potential conflict is found, the applicant must notify the Township prior to proceeding and following the following requirements of this section.

In the event the work, for which Municipal Consent has been issued, requires the relocation of any existing plant then the applicant shall stop or if the work has not commenced, reschedule the work, until such time that the Township has received an application for and approved the proposed location for the relocated Plant.

Any request for changes to an issued Municipal Consent must be reviewed and approved by the Township. Depending on the nature and extent of the requested change, the Applicant may be required to:

- meet with the Township Staff in the field to review the proposed change;
- submit, in writing, an explanation of the proposed change;
- submit a revised drawing highlighting the proposed change;
- obtain sign-off from owners of affected plant;
- submit a new application for the revised work.

9.4 ABANDONED/DECOMMISSIONED INFRASTRUCTURE

The utility company shall continue to be responsible and liable for all abandoned infrastructure and any issues that arise as a result of that abandoned infrastructure until such time that it has been completely removed from the right-of-way to the satisfaction of the Township.

Note: This responsibility shall include, but not be limited to, providing all available information for any abandoned or decommissioned plant as part of the Applicant's response to any request for information Township Staff. Preference is for the complete removal of all abandoned plant.

9.5 REVIEW OF APPLICATIONS FOR WORK IN OR UNDER NEW ROAD SURFACES

In the event an application is received for work in or under a road surface that is 10 years old or less, the Township shall undertake a comprehensive review of the proposed working area, type and methods of construction to mitigate the potential negative impact the proposed work may have on the Road Authorities investment of public funds in the road allowance.

The comprehensive review shall include a meeting with the applicant and its contractor to discuss the following:

- alternative means of meeting the applicant's servicing objectives by investigating alternate routes, availability of spare capacity, reactivation of abandoned plant, utilization of abandoned conduits, trenchless technologies, etc.;
- Reason for proposed methods of installation if deemed harmful to the new pavement structure;
- Roadway restoration details including full lane Asphalt replacement (i.e. centre line of road to edge of pavement for length of repair)

10. DOCUMENTS REQUIRED ON SITE

The Applicant shall ensure that, as a minimum, copies of the following documents are kept on-site at all times and shall make these documents available for viewing immediately upon being requested to do so by Township Staff:

- Locates;
- Reason for proposed methods of installation if deemed harmful to the new pavement structure;
- Road Occupation Permit;
- Approved Municipal Consent drawings;
- Notification to adjacent residences and businesses, where applicable;
- Minutes of pre-construction meeting, where applicable;
- Any documents required to be kept on-site under other legislation.

11. SITE ACCESS AND INSPECTION

Authorized representatives of the Township, having the required personal protective equipment, shall at all times have access to the work site to monitor the progress of the work to whatever extent they deem appropriate and to determine compliance with the Municipal Consent Requirements (MCR), permit requirements and any other instructions issued by an authorized representative of the Township. The Applicant is cautioned that lack of such compliance may result in a stop work order being issued or cancellation of the permit and that such violations will be documented and kept on file.

The Applicant shall immediately cease the work or any part thereof when directed to do so, verbally or in writing, by an authorized representative of the Township, or any other party having proper jurisdiction. Verbal orders shall be followed by written notification within 24 hours stating the reasons for the order to stop work. The work or affected part thereof shall not resume until any such violation has been rectified to the satisfaction of the Township.

12. WORK SITE

The Applicant is responsible for maintaining the work site and surrounding area free of dust and mud. The Applicant shall clean the road and sidewalks as required to the satisfaction of the Township.

Prior to the start of any construction activity, filter cloth shall be placed between the frames and covers of all catch basins within the immediate area to prevent the entry of construction dirt and debris. All filters are to be removed immediately when the works have been completed and the area stabilized.

The Applicant shall keep the site and work in as tidy a condition as practicable and to the satisfaction of the Township. The Applicant shall not deposit any material on any portion of street, sidewalk, boulevard, grass plot, or other Township or public property without the permission of the Township, and shall remove same without delay when

and as directed by the Township. Upon completion of the work, the Applicant shall remove all surplus materials as well as any rubbish accumulated on account of the work, make good any defects or damage and shall leave the site in a condition satisfactory to the Township.

Should the Applicant fail to comply with this requirement and maintain the street in a satisfactory condition, the Township, acting reasonably, without further notice, may issue a stop work order, cancel the permit, charge the Applicant under applicable bylaws and/or arrange for the site to be cleaned immediately by others. All costs incurred in cleaning the dust and mud resulting from the Applicant's work shall be charged to the Applicant.

13. NON COMPLIANCE

Should any construction begin that is not in strict compliance with the conditions of the permit and this document, the Applicant may be issued a stop-work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in-full and the permit may be cancelled, at the sole discretion of the Township.

Depending on the severity of the infraction, the issuance of new permits for some or all work by the same Applicant may be withheld or delayed, at the sole discretion of the Township, until the infraction has been addressed by Applicant to the satisfaction of the Township.

14. BACKFILL AND RESTORATION

All restoration shall be completed by and at the expense of the Applicant.

14.1 TEMPORARY RESTORATION

Temporary restoration of all work areas shall be completed by the application prior to completion of the work when permanent restoration is not possible. Upon being notified that the temporary restoration has not been carried out to the satisfaction of the Township, the Applicant shall rectify the deficiencies within 24 hours. The Township may, in its sole discretion, accept a request from the Applicant for another timeline where justified by the nature and extent of work required. If the deficiencies are not rectified by the required deadline, the Township may undertake remedial restoration, which may include complete excavation of the work area, and charge back all associated expenses, including mobilization costs, to the Applicant.

14.2 PERMENANT RESTORATION

All excavations and work areas shall be permanently restored and warranted by the applicant for a period of two years. Restoration must be made in kind to restore the work area back to existing or better conditions. A minimum of 98% compaction must be achieved for all excavations. If mechanical compaction is not practical, unshrinkable fill shall be used for backfill. Partial sidewalk bay replacement will not be accepted. Upon

being notified by the Township, in its sole discretion, that a permanent repair made by the Applicant is unacceptable, the Applicant shall, within 72 hours, investigate and respond in writing with a firm timeframe for rectification of the deficient work. The Township will have sole discretion regarding the acceptability of the proposed timeframe. If the Applicant cannot perform the rectification within the accepted timeframe, the Township may undertake remedial restoration, which may include complete excavation of the work area, and charge back all associated expenses, including mobilization costs, to the Applicant.

14.3 EMERGENCY REPAIRS

Notwithstanding the above, if deficiencies in the temporary or permanent repair performed by the Applicant pose a safety hazard, the Township, in its sole discretion, may immediately undertake remedial restoration, which may include complete excavation of the work area, and charge back all associated expenses, including mobilization costs, to the Applicant.

APPENDIX A – MUNICIPAL CONSENT PROCESS

