

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2023-34

Being a By-law to regulate and permit the Temporary Closure or Occupancy of any Township Right-of-Way under the jurisdiction of the Corporation of the Township of Asphodel-Norwood

WHEREAS Section 5 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, c. 25, as amended, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS the Corporation of the Township of Asphodel-Norwood deems it prudent to regulate the uses that occupy Township Right-of-Ways within the Township of Asphodel-Norwood.

NOW, THEREFORE the Council of the Township of Asphodel-Norwood enacts as follows:

Section 1 – Definitions

- 1.1 This By-law shall apply to all roads under the jurisdiction of the Township of Asphodel-Norwood;
- 1.2 “Activity” means the temporary occupancy of a right-of-way for any purpose outside its normal intended use by a person and shall include the following:
 - a) place equipment, materials or structures of any kind upon or within a Township right-of-way;
 - b) close a Township right-of-way in whole or in part;
 - c) undertake any activity that negatively impacts the use and function of a Township right-of-way;
 - d) obstruct a drain, gutter, water course or culvert along or upon a Township right-of-way;
 - e) infill any ditch located within a Township right-of-way;
 - f) install or construct a culvert within any Township right-of-way;
 - g) conduct an event including parades, community walks, fund raisers, concerts, races or activities involving the assembly of persons, equipment, and parade floats
- 1.3 “Applicant” means a person or organization applying to the Manager for a permit;
- 1.4 “Person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 1.5 “Township” means the Corporation of the Township of Asphodel-Norwood;
- 1.6 “Manager” means the Manager of Public Works and Environmental Services or designated representative;
- 1.7 “Right-of-way” means municipal property designated as Highways, Roadways, Lanes, Pathways, and Walkways and includes features therein such as curbs, shoulders, boulevards, and drainage ditches;
- 1.8 “Road Closure” means preventing vehicle movement within a highway which causes the need for a detour;
- 1.9 “Roadway” means the part of a right-of-way that is improved, designed or ordinarily used for vehicular traffic, but does not include the curb, shoulder or boulevard;
- 1.10 “Vehicle” means a motor vehicle, as per subsection 1.1 of the Highway Traffic Act;
- 1.11 “Emergency Work” means work that must be completed immediately because public health, safety or the provision of essential services may be endangered;

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- 1.12 “Excavation” means a construction, repair, boring, coring, tunneling, installation or removal that involves the digging, cutting, drilling, disturbing, installing or otherwise damaging of the asphalt, curb, sidewalk, concrete, gravel, grass, turf, sod, earth, shrub, plant, landscaping or other surfaces within the Township right-of-way as described by the applicant in a permit;
- 1.13 “Traffic Control Plan” refers to a document outlining the particulars of vehicular and pedestrian traffic management required for any work conducted in a right-of-way.

Section 2 – Application for Permits

- 2.1 The Manager of Public Works and Environmental Services is authorized to issue a permit to an applicant for an activity to be performed within a Township right-of-way that is deemed by the Manager to be appropriate for the purposes of the Township.

Section 3 – Exemptions

- 3.1 The Manager may grant an exemption to any person from any provision of this By-law and impose conditions for such exemption as may be considered reasonable and necessary provided such exemption does not interfere with the general integrity of this By-law.
- 3.2 A Road Occupancy Permit is not required by a person undertaking any works for or on behalf of the Township or for Road Occupancy or Closures ordered by the Manager.
- 3.3 Road Occupancy Permits shall not be required for Special Events such as social, recreational, community, athletic or cinematographic purpose, or combination of such activities which have been issued a Temporary Road Closure Permit in accordance with applicable Township's By-laws.

Section 4 – Application for Road Occupancy and Road Closure Permits

- 4.1 Every person seeking to occupy or temporarily close any roadway or right-of-way within the Township shall complete and submit an application to the Township not less than ten (10) working days in advance of an activity. When applying for a Road Occupancy Permit, the Applicant shall;
- a) Complete and submit the prescribed form;
 - b) Include a sketch showing the proposed work area and the proposed location of any signs, barricades or other barriers;
 - c) Pay a non-refundable permit fee of \$250.00 + HST;
 - d) Proof of insurance as described in Section 5;
 - e) Satisfactory proof that the Applicant is at least 18 years of age or, if the Applicant is a Corporation, copies of the letters of incorporation or other incorporating documents that have been duly certified by the proper authorities and that show the full corporate name, officers, and directors of the Applicant; and
 - f) Any other information or documentation that the Manager deems necessary.

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- 4.2 Without limiting the generality of Section 4.1, the Manager may require an Applicant to submit a traffic safety plan for the control of traffic and parking including all vehicular and pedestrian movements to, from and within the work area and additional insurance as prescribed in section 5.
- 4.3 Receipt of the application and-or permit fee by the Township shall not represent approval of the application for the issuance of the Permit nor shall it obligate the Township to issue such Permit.
- 4.4 The issuance of a Permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit or complying with any other applicable laws, By-laws, regulations and requirements of the Township or other authorities having jurisdiction.
- 4.5 The Manager may require the Applicant to provide a refundable deposit and or security for possible damage to Municipal property or equipment, possible damage to adjacent property, cleanup costs, and all other obligations of the Permit Holder under this By-law and Permit.

Section 5 – Insurance

- 5.1 Every Applicant shall provide and maintain a Comprehensive General Liability insurance acceptable to the Township, subject to a limit of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The Comprehensive General Liability insurance policy shall be in the name of the Applicant and shall name The Corporation of the Township of Asphodel-Norwood as an additional insured. The insurance policy shall remain in place until all warranty requirements are fulfilled.
- 5.2 All insurance shall contain the endorsement to provide the Township with thirty (30) days' prior written notice of any cancellation or change.

Section 6 – Indemnification

- 6.1 The Permit Holder shall indemnify and hold harmless the Township, their elected officials, agents, officers, and employees from and against all claims, demands, losses, expenses, costs, damages, actions, suits or proceedings by third parties, hereinafter called "claims", directly or indirectly arising or alleged to arise out of the Road Occupancy Permit or failure to perform the conditions of occupancy provided such claims are;
- a) Attributable to bodily injury, disease, or death, or to damage to or destruction of tangible property; and
 - b) Caused by negligent acts or omissions of the Permit Holder or anyone whose acts the Permit Holders may be liable.
- 6.2 The Permit Holder shall indemnify and hold harmless the Township from all and every claim for damages, royalties or fees for the infringement of any patented invention or copyright occasioned by the Permit Holder in connection with the Road Occupancy Permit or material furnished by the Permit Holder.

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Section 7 – Road Work

7.1 General Requirements

- 7.1.1 The Permit Holder shall open a Road Cut in such a manner as to do the least possible damage to the Roadway and to any utility or municipal service.
- 7.1.2 The work shall proceed expeditiously and no Permit Holder shall allow a Road Cut to remain open unless the work is actively in progress.
- 7.1.3 The site shall be kept clean, safe and sources of dust and mud shall be controlled at all times until the final reinstatement has been completed. All dust and mud nuisance that is tracked from the site shall be promptly cleaned.
- 7.1.4 The Permit Holder and contractor shall comply with and be bound by the provisions of the Occupational Health and Safety Act, RSO 1990, C.O.1 as amended.
- 7.1.5 All persons employing or using trucks or other vehicles entering or leaving construction sites for any purpose whatsoever shall immediately remove from the Highway any rubbish earth or other material which has fallen from such vehicles.
- 7.1.6 The Permit Holder shall be responsible for all costs to complete all repairs and reinstatement of all infrastructure within the right-of-way to the satisfaction of the Township. This includes the road surface, and all municipally owned infrastructure. Failure to complete repairs will result in the Township completing the repairs and back charging the Permit Holder of all costs associated with any reinstatement.

7.2 Excavated Material and Road Cut Methods

- 7.2.1 Except as permitted by the Manager, where multiple road cuts are required, it may be required that the Permit Holder reinstate the Road Cuts and resurface the Roadway for the entire distance between the outer edges of each Road Cut;
- 7.2.2 Where a Road Cut is made in any concrete surface, the Permit Holder shall breakout and remove all concrete, to the nearest expansion joint or contraction joint using a concrete saw if necessary.
- 7.2.3 Where a Road Cut is made in asphalt pavement, the asphalt shall be cut with a mechanical cut device to produce;
 - a) a rectangular opening with edges which are vertically straight;
 - b) a cut which is large enough to accommodate the proposed works without undermining the adjacent asphalt pavement; and
 - c) where two lifts of asphalt exist a 600mm wide by 40mm (or equivalent to the depth of the top layer of asphalt) deep lap joint is required.
- 7.2.4 Where boring directional drilling, jacking or tunneling is used for any subsurface Road Cut;
 - a) the method used shall be approved by the Manager; and
 - b) if a cave-in settlement or heaving results there from, the surface in the affected area shall be removed and reinstated by the Permit Holder in accordance with this By-law to the satisfaction of the Township.

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7.3 Reinstatement of a Roadway

7.3.1 The Permit Holder shall be responsible for:

- a) the temporary and permanent reinstatement of a Road Cut subject to the provisions of this By-law;
- b) the maintenance of temporary reinstatements as provided for in this By-law on every Road Cut which on or after November 15th in any year is not in a condition to be permanently reinstated and is carried over for permanent reinstatement prior to May 31st of the following year.

7.3.2 A Roadway shall be reinstated with:

- a) Materials and specifications meeting Township standards; and with
- b) Accompanying geotechnical information/verification where required by the Manager.

7.3.3. Temporary surfacing of a Roadway with asphalt, concrete, or surface treatment shall meet the following requirements:

- a) the Road Cut shall be temporarily reinstated immediately after backfilling is completed;
- b) the reinstatement shall be to the same level as the adjacent surface;
- c) prior to the Roadway being opened to traffic the Road Cut shall be surfaced with hot mix asphalt, concrete, or for surface treated roads if surface treatment is available with high performance emulsion. Cold mix asphaltic may be used upon approval from the Manager and shall be hand tamped or rolled to a smooth flat condition; and
- d) all reinstatement activity shall be to the satisfaction of the Township.

7.4 Completion of work

7.4.1 Upon completion of the temporary surfacing or permanent reinstatement of the Road Cut, all excess material shall be removed from the area of the Road Cut and the area shall be left in a safe neat and clean condition similar to the condition of the Roadway area adjacent to the Road Cut, all to the satisfaction of the Township.

7.5 Trenchless Installations

7.5.1 Where the work being undertaken uses trenchless installation methods preservation and protection of existing facilities shall be according to OPSS MUNI 491;

7.5.2 Minimum horizontal and vertical clearances to existing facilities, as specified in OPSS, shall be maintained. Clearances shall be measured from the nearest edge of the new utility to the nearest edge of the facility being paralleled or crossed;

7.5.3 Existing underground facilities shall be exposed to verify its horizontal and vertical locations when the bore path comes within 10 metres horizontally or vertically of the existing facility. Existing facilities shall be exposed by non-destructive methods. The number of pilot holes required to monitor work progress and the proposed location of such pilot holes must be clearly depicted on the application drawing. All pilot holes and any other damage

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to the Roadway infrastructure shall be restored as per the requirements of this By-law.

Section 8 - Road Cut Failures and Warranty Periods

8.1 Warranty Periods

- 8.1.1 For temporary reinstatement of the Roadway, a Permit Holder is responsible for the repairs necessary to correct any Road Cut considered under the Ontario Minimum Maintenance Standards for Municipal Highway, Township Standards and OPSS, as applicable.
- 8.1.2 Following permanent reinstatement of the Roadway, a Permit Holder is responsible for the repairs necessary to correct any settlement or surface deterioration for a warranty period of twelve (12) months following the date of final reinstatement of the Roadway.
- 8.1.3 If the Permit Holder has not done the work referred to in Section 8.1.1 within 24 hours of notification, the Manager may order the work to be done at the Permit Holder's expense. All costs incurred by the Township shall be paid by the Permit Holder forthwith on demand.

8.2 Emergency Repairs

- 8.2.1 If the Manager is of the opinion that a Road Cut reinstatement, or lack of Reinstatement, has created an emergency situation which can cause damage to vehicles or endanger the public, the Manager may protect the area and;
 - a) Make immediate repairs; or
 - b) Contact the Permit Holder and advise as to the repair work which must be carried out; and
 - c) All work done by the Township pursuant to Section 8.2 hereof shall be at the expense of the Permit Holder and the costs of the Township shall be paid by the Permit Holder.

Section 9 - Prohibitions / General Provisions

- 9.1 No person shall alter, obstruct or damage, close or cause or permit the use, alteration, obstruction or damage of any Roadway or part thereof without first having obtained a Road Occupancy Permit.
- 9.2 No person shall undertake construction, maintenance or installation of facilities, utilities, or other chattels on a Roadway or parts thereof without obtaining a Road Occupancy Permit.
- 9.3 No person shall undertake construction or maintenance on land abutting on a Roadway which may affect the drainage of the Roadway without first having obtained a Road Occupancy Permit.
- 9.4 No person shall fail to comply with a Notice of Obstruction or an Order Issued pursuant to this By-law.
- 9.5 No person shall, without lawful authority use a Roadway or right-of-way that is closed to any traffic while it is protected. Every person who uses a Roadway closed

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under this By-law does so at their own risk and the Township is not liable for any damage sustained by a person using a Roadway so closed.

9.6 No person shall remove or deface any barricade, device, detour sign or notice placed by lawful authority.

9.7 Without limiting the generality of Subsection 9.1, no person shall alter, obstruct or damage, or cause or permit the use, alteration, obstruction or damage of any Roadway by any of the following;

- a) the depositing, throwing, spilling or tracking or cause or permit the depositing, throwing, spilling or tracking of any material, waste or soil onto any Roadway;
- b) the depositing of snow or ice on a travelled portion of the Roadway or onto a Roadway not contiguous with the property from which the snow was moved from;
- c) the altering of the grade on any part of the Roadway unless the person without having obtained a Road Occupancy Permit, pursuant to this By-law;
- d) the parking of equipment, motorized equipment other than motorized equipment permitted and licensed under the regulations of the Ministry of Transportation of Ontario, containers, trailers, or any landscape or construction material on a Roadway without having obtained a Road Occupancy Permit;
- e) the cutting, altering, extending, in any manner whatsoever of a concrete curb, open or contained culvert, culvert overpass, or similar structure or landscape without having obtained a Road Occupancy Permit;
- f) the allowance of a crane boom or any portion of a stationary tower crane to travel over, hoist, or otherwise occupy the space above a Roadway or any part thereof without having obtained a Road Occupancy Permit;
- g) the excavation or damage to any portion of a Roadway, including sod, trees, light poles, street signs or other objects within the Roadway without having obtained a Road Occupancy Permit;
- h) the placement of donation or electronic recycling bins on a Highway;
- i) the placing or depositing of sporting equipment, including but not limited to basketball nets, skateboard ramps and bicycle ramps, on a Highway;
- j) the placement or alteration of any street furniture on a Highway without having obtained a Road Occupancy Permit;
- k) the installation and/or discharge of irrigation systems onto a sidewalk or the travelled portion of a Highway;
- l) the direct discharge of water from any sump pump or down spout onto a Highway
- m) occupy a Highway for the purpose of the sale, or offering to sale, of any goods and services, including the sale of event tickets (hawker peddler);
- n) creating or establishing vehicle or trailer access to property without first having obtained an Entrance Permit; and
- o) the construction, installation, or placement any tree, landscaping, irrigation, fence, post, light post, rock(s) /decorative wall and the installation of electrical wiring on or over any Highway.

9.8 This By-law shall be read in conjunction with the Township's Entrance By-law.

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Section 10 - Review, Approval and Refusal

- 10.1 The Manager is authorized to receive and consider all applications, and to conduct all investigations necessary to determine whether a Road Occupancy Permit should be issued.
- 10.2 The Manager shall have the authority to approve, refuse, administer and/or revoke all Road Occupancy Permits, and may include any conditions in a permit that he/she deems appropriate.
- 10.3 The Manager shall have the authority to determine and from time to time amend the forms, information, and special conditions required in the administration of this By-law.
- 10.4 Prior to making a decision on any application, the Manager shall consult with such other persons or agencies as he/she considers necessary.
- 10.5 When reviewing an application, the Manager shall consider;
 - a) any potential adverse effect on public health and safety;
 - b) any potential inconvenience to the public;
 - c) any potential traffic impacts, including the adequacy of detour routes;
 - d) any concerns for the security of persons or property; and
 - e) the past or present conduct of the Applicant affords reasonable grounds to believe the construction, maintenance or other works may not be adequately managed in accordance with this By-law.
- 10.6 The Township, upon receipt of a completed application, may recommend additional signs, barricades, traffic control, personnel or other equipment, additional insurance or notification to additional agencies that are necessary for the proposed road occupancy.
- 10.7 When the Applicant is requesting multiple road cuts, the Manager reserves the right to issue a single Road Occupancy Permit or multiple Road Occupancy Permits for the works;
- 10.8 When authorized, a Road Occupancy Permit is valid for sixty (60) calendar days from the date of issue. The validity period may be extended upon request by the applicant as determined by the Manager. Such requests must be completed in writing a minimum of two (2) weeks in advance of the expiry date, and details for the request shall be included.
- 10.9 Without limiting the generality of Section 10.2, the Manager may refuse to issue a Road Occupancy Permit, if;
 - a) the Applicant has not provided information or documentation required or did not provide such information or documentation within the specified time frame;
 - b) the Applicant has not provided the fees, securities and/or insurance required;
 - c) the Applicant has submitted false, mistaken, incorrect or misleading information in support of the application;
 - d) the Applicant or any Principal, Director, or Officer of the Applicant has an outstanding debt to the Township, or;
 - e) the requested temporary occupancy poses an unacceptable level of risk to the factors outlined in Section 10.5.
- 10.10 The Manager may revoke a Road Occupancy Permit at any time without prior notice to the Permit Holder if;

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- a) it was issued in error;
 - b) it was issued as a result of false, mistaken, incorrect or misleading information in the application;
 - c) there are reasonable grounds to believe that the continuation of the temporary occupancy or closure poses a risk to the factors outlined in Section 10.5, or;
 - d) the Permit Holder is not in compliance with any permit condition.
- 10.11 Any Applicant who has been refused a Road Occupancy Permit, has had a permit(s) revoked or who objects to the conditions imposed, may appeal to Council and the decision of Council shall be considered final and binding on the Applicant.
- 10.12 Any person required to renew and or extend a Road Occupancy Permit previously granted under this By-law, shall contact the Township requesting renewal or extension of the Road Occupancy Permit at a minimum of two weeks prior to Permit expiry and provide any requested modified documentation as required by this By-law or as deemed necessary by the Manager. The Manager reserves the right to approve or deny requests for renewals or extensions of permits.
- 10.13 A copy of the Road Occupancy Permit must be on site at all times and available for review upon request. Failure to have the permit on site may result in an Order (Section 13) Offence (Section 14).

Section 11 - Conditions

11.1 Notice requirements for road occupancy

11.1.1 Where the work is of a major nature or duration and will cause general inconvenience to all the residents and businesses located beside or near the Roadway where the work will occur every Permit Holder or person responsible for the road activity shall at least ten (10) working days prior to commencing the work, provide in writing, to the Manager for review. The Managers approval must be granted prior to the applicant distributing to every resident and business located beside or near the Highway where the work will occur the following information;

- a) description and rationale for the work;
- b) the approximate start date;
- c) the duration of the work;
- d) access restrictions and service interruptions, and;
- e) contact information for the Permit Holder

11.2 Locates

11.2.1 It shall be the sole responsibility of the Permit Holder to request from the appropriate Utility Company marking or other location information to determine the location and to provide safeguards for all utilities. Should the Permit Holder in carrying out the work granted under the Road Occupancy Permit cause damage to any such utilities the entire cost and responsibility of restoring any such utilities shall be at the sole expense of the Permit Holder.

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11.3 Traffic Control, Notifications, Devices, Signs and Closures

11.3.1 The Permit Holder shall supply, erect and maintain warning devices barricades and traffic signs where applicable in accordance with the Occupational Health and Safety Act, RSO 1990, C.0.1 as amended, and any applicable provincial traffic regulations including but not limited to the Ministry of Transportation Ontario Traffic Manual Book 7 Temporary Conditions.

11.3.2 If the Permit Holder fails to comply with Subsection 11.3.1 hereof, the Manager may order the erection and maintenance of any warning devices barricades and signs considered necessary at the Permit Holder expense and charge back such expenses to the Permit Holder.

11.3.3 No Permit Holder shall close a Roadway to traffic or one direction of traffic on a Highway unless;

- a) the written consent of the Manager for the closing is obtained; and
- b) Written notifications have been made to OPP, Fire and Emergency Services Ambulance Service and any other person, department or agent requiring notice from time to time affected by the occupancy for the commencement and duration of the activity as directed by the Manager. The Permit Holder shall provide such proof to the Manager, prior to the closing of the Roadway.

11.3.4 The Permit Holder shall supply and maintain appropriate signage and is responsible for any and all costs associated with paid duty policing as required by the Occupational Health and Safety Act, RSO 1990, C.0.1 as amended, and any applicable provincial traffic regulations including but not limited to the Ministry of Transportation Ontario Traffic Manual Book 7 Temporary Conditions, or the Manager.

11.4 Snow Removal and De-icing

11.4.1 Where the Permit Holder's work impedes snow removal and de-icing by the Township on areas where vehicular and pedestrian traffic are being maintained as reasonably determined at the sole discretion of the Manager, the Permit Holder shall be responsible for providing ice and snow removal services within the limits of the work site. Such areas shall be cleared of ice and snow to the satisfaction of the Manager. All costs associated with ice and snow removal shall be at the Permit Holders expense;

11.4.2 Should the Permit Holder fail to complete the required snow removal services and de-icing within the set deadlines, the Manager without any notice to the Permit Holder may arrange for the snow and ice to be removed by others. All costs incurred by such removal shall be charged to the Permit Holder.

11.5 Site Conditions

11.5.1 The Permit Holder is responsible for maintaining the work site and surrounding area free of dust and mud. The Permit Holder shall clean the road and sidewalks as required to the satisfaction of the Manager;

11.5.2 The Permit Holder shall immediately notify the Manager of any alteration, breaking, or disturbance of an existing Roadway condition or if the Work

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undertaken deviated from that set out in the approved permit. The Applicant shall undertake a temporary repair and be responsible for all costs associated with the work as set out herein.

11.5.3 The Permit Holder shall ensure that all equipment is in good working order and does not leak fluids or produce unnecessary noise. The idling of service equipment shall be restricted to the minimum amount necessary for the completion of the permitted works.

11.5.4 The Permit Holder shall keep the site and work area in as tidy condition as practical and to the satisfaction of the Township. The Permit Holder shall not deposit any material on any portion of street, sidewalk, boulevard, grass, plot or other Township property without the permission of the Manager, and shall remove the same without delay when and as directed by the Manager. Upon completion of the work, the Permit Holder 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;

11.5.5 Should the Permit Holder fail to comply with this requirement and maintain the Roadway in a satisfactory condition the Manager without further notice may issue an Order, cancel the Road Occupancy Permit, charge the Permit Holder under applicable By-laws and/or arrange for the site to be cleaned immediately by others. All costs incurred in cleaning the dust and mud resulting from the Permit Holder's work shall be charged to the Permit Holder.

11.6 Transferability

11.6.1 A Road Occupancy Permit is not transferable without the written consent of the Manager.

Section 12 - Utility Companies

12.1 Service Drops

12.1.1 Temporary service drops shall be permitted as a temporary means to supply servicing to a resident with the permanent service being installed at a future date. Installation of cables shall be performed in a manner that ensures the safety of residents, pedestrians and vehicles and placed with due regard for aesthetics. Cables shall be installed in a manner that does not create a trip hazard.

12.1.2 Cables shall not cross sidewalks driveways or walking paths along the surface. When crossing a road, sidewalk, driveway or walking path the height of the cable shall be no less than 5 metres of vertical separation from the center line of the Roadway.

12.1.3 Cables shall not lie unprotected on the ground at any location.

12.1.4 Cables shall not be strung using trees.

12.1.5 The Permit Holder shall make its best effort to install the permanent service as soon as possible. In the winter or early spring frost conditions may delay the permanent installation, however; in general temporary service drops shall be removed within thirty (30) days.

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12.1.6 Immediately upon installation of the permanent service regardless of whether or not restoration has been completed all materials and equipment associated with the temporary service drop shall be removed from the site.

Section 13 - Order

- 13.1 If after inspection, the Manager or an Officer is satisfied that a contravention of this By-law has occurred, the Manager/Officer shall notify the registered owner of the land of the particulars with a "Notice of Contravention" and/or an "Order to Comply" pursuant to Subsections 444(1) and 445(1) of the Municipal Act, 2001, as amended, at the same time and provide all occupants with a copy of the notice and such order shall contain;
- a) the municipal address and the legal description of the land;
 - b) reasonable particulars of the contravention, and;
 - c) the period of time within which there must be compliance.
- 13.2 The Manager/Officer, by a written Notice of Contravention and/or an Order to Comply pursuant to Subsections 444(1) and 445(1) of the Municipal Act, 2001, as amended, may require any person who has done work without an approved Road Occupancy Permit or has not complied with the provisions of this By-law, or where the permit has been issued on mistaken, false or misleading information;
- a) to cease all work;
 - b) to restore/repair any damages caused;
 - c) to do all work necessary to eliminate any hazards resulting from the work that has occurred, or;
 - d) to be responsible for all cost associated with the remedial work, such cost will be withdrawn from any securities provided by the Permit Holder. In the event the cost to repair damages exceeds the deposit and/or securities, the Permit Holder shall be responsible for the full amount of damages incurred to any Roadway and the Township shall have the right to recover any expenses incurred in the same manner as taxes.
- 13.3 Where any person has contravened any provision of this By-law, the Township may, without notice, effect compliance and the expense of doing so may be recovered by adding the expenses to the tax roll for such property and collect them in the same manner as taxes.

Section 14 - Offences

- 14.1 Every Person who hinders or obstructs, or attempts to hinder or obstruct, any Officer exercising a power or performing a duty pursuant to this By-law is guilty of an offence as provided in Section 426 of the Municipal Act, 2001.
- 14.2 Every Person who contravenes the provisions of the By-law is guilty of an offence and liable upon conviction to a penalty as set out in the Provincial Offences Act, R. S.O. 1990, c. P. 33, as amended.
- 14.3 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision. Section 442 of the Municipal Act,

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2001, S.O. 2001, c.25, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

Section 15 – Enforcement

- 15.1 That every person who contravenes the provisions of this By-law is guilty of an offense and on summary conviction is liable to a fine of \$1,500.00, exclusive of costs.
- 15.2 That each day of default by the Permit Holder in complying with any of the provisions of this By-law shall constitute a separate offense.
- 15.3 Provided always that in default of the work being done by the person directed or required to do it, such matter or thing shall be done by the Township at the Permit Holders expense and the Township may recover the expense incurred in doing it by action and the Township may provide that the expense incurred by it, with interest, shall be payable within one (1) year.
- 15.4 This By-law may be enforced by a Municipal Law Enforcement Officer appointed by the Council of the Township of Asphodel-Norwood or any other person appointed by the Council of the Township of Asphodel-Norwood through By-law.

Section 16 – Validity

- 16.1 Should any section, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof other than the part so declared to be invalid.

THAT this By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of Asphodel-Norwood.

Read a first, second, and third time and finally passed this 20th day of June, 2023.

<Original signed by>

Patrick Wilford, Mayor

<Original signed by>

Candice White, Clerk