

**Municipal Consent Guidelines
Public Works and Environmental Services
Adopted: 12-Mar-2024**

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General

Municipal Consent means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application is made, in terms of the applicable Municipal policies, guidelines, standards, By-laws, and other relevant legislation.

The Municipal Consent process is intended to give permission to install Infrastructure within a specific location in the Municipalities right-of-way (ROW). The process involves a formal submission of drawings on the placement of apparatus which has been approved by the Municipality of Asphodel-Norwood's Public Works Department. Consent is accorded to individually considered, low impact, limited deviations from the primary usage of the land or buildings.

Municipal Consent is only issued to utility companies, commissions, agencies, and private Applicants who have the authority to construct, operate and maintain their infrastructure within the right of way as established through legislation or terms of a Municipal Access Agreement or Franchise Agreement.

All utility work, with a few exceptions, within the right of way requires Municipal Consent from the Public Works Department and a Road Occupancy Permit except for Emergency Works. Road Occupancy Permit for utility works will not be granted until Municipal Consent is approved.

The approval of a Municipal Consent is valid for a period of 12 months from the date of issue. If the work is not completed in its entirety with the 12-month period, the Applicant must reapply for Municipal Consent in order to complete any outstanding works within the right of way.

Introduction

The objective of this Municipal Consent Guideline is to provide guidance for the efficient review of Municipal Consent applications and to protect the interests of the Township and permitted utility companies occupying the right of way within Asphodel-Norwood.

In the event of a non-standard installation being the only reasonable alternative, the applicant shall ensure that these MCM are adhered to as close as possible and shall notify Asphodel-Norwood in writing of any changes.

This document applies to all utility companies, commissions, agencies, boards, associations, and private stakeholders making application for MC to install infrastructure within the ROW.

Order of Precedence

In the event of any inconsistency or conflict in the contents of the following documents, such documents shall take precedence and govern in the following order:

- Federal and Provincial Legislation, including Municipal Access Agreements (MAA) and Franchise Agreements
- By-laws
- Municipal Consent Permit

- Municipal Consent Requirements (MCM)

Applicable Legislation

Nothing in this guideline is meant to limit the obligations that any party must comply with any other applicable law, including but not limited to the latest versions of:

- Municipal Act, RSO 2001
- The Building Broadband Faster Act, 2021 (BBFA)
- The Ontario Energy Board Act, 1998 (OEBA)
- Ontario Regulation 22/04 (Electrical Distribution Safety) made pursuant to the Electricity Act, 1998
- Canadian Standards Association C22.3 No. 1-15 for Electrical Distribution Safety regulation overhead distribution lines as amended from time to time.
- Canadian Standards Association C22.3 No. 7-15 for Electrical Distribution Safety regulation underground systems as amended from time to time.
- Occupational Health and Safety Act (OHSA) and Regulations
- Ontario Regulation 164/99 (Electrical Safety Code) made pursuant to the Electricity Act, 1998 (“Ontario Electrical Safety Code” or “OESC”)
- Ontario Underground Infrastructure Notification System Act, 2012 (One Call Act)

Definitions

“Applicant” means any utility company, commission, agency, or private party applying for MC to gain approval for the placement of plan within the right-of-way.

“As-built drawings” means documents prepared from information gathered during construction and revised from design drawings by someone other than an engineering practitioner or someone under their supervision. These documents should be marked as “As-built Documents” and not sealed.

“Emergency Work” means work that must be completed immediately because health, safety or the provision of essential services is endangered. This emergency work could result from a broken watermain, gas main break or damaged hydro lines etc.

“Municipal Consent” means the permission to install Infrastructure within a specific location in a right-of-way. The process involves a formal drawing submission on the placement of apparatus which has been approved by Asphodel Norwood’s Public Works Department and/or Asphodel Norwood’s Water/Wastewater Department.

“Infrastructure” means any poles, cables, pipes, conduits, pedestals, antennas, vaults, support structures or any other similar Infrastructure or structures.

“Right-of-way (ROW)” means the surface of, as well as the spaces above and below public right-of-way.

“Road Occupancy Permit (ROP)” means a permit issued by the Public Works Department for the purpose of authorizing the commencement of all work taking place within the Right-of-way.

“Service Drop” means a section of infrastructure by its design, capacity and relationship to the overall Infrastructure can be reasonably considered to be for the sole purpose of connecting the Infrastructure to not more than a single customer or building point but shall not include Infrastructure designed to extend to multiple customers.

“Township” means the Township of Asphodel-Norwood.

“Work” means the installation, maintenance, repair, replacement, extension, or operation of any Infrastructure in the Right-of-way.

Work Permitted Without MC

The following types of work require only a ROP:

- Emergency Work required to maintain or restore existing service;
- Repair of existing Infrastructure (same horizontal and vertical location);
- Exploratory work to investigate existing Infrastructure condition;
- Any service drop not requiring the removal, relocation or alteration of any adjacent infrastructure. Service drops crossing the pavement structure shall conform to the requirements of a long service drop.

All other types of work require both a MC and a ROP including:

- Installing new Infrastructure
- Making additions or upgrades/alterations to existing Infrastructure
- Excavating, directional boring and/or drilling within the ROW

Emergency Work

Emergency work is permitted prior to submission of a ROP application as outlined in the ROP Bylaw. The completed ROP application must be submitted to the Public Works Department on the same day the work is commenced, or if Asphodel Norwood offices are closed, no later than the start of the next working day. If the installation of new or additional Infrastructure is required for emergency repair, an MC application must be submitted to the Public Works Department within 5 business days of the work commencement.

Service Drops

A ROP must be obtained from the Public Works Department prior to installing any service drops. Wherever possible, services and service connections to property line shall be designed and constructed directly in front of the customer being serviced, perpendicular to the roadway. Gas service size shall be no greater than 2” (50.8mm) in diameter or MC will be required.

Road Occupancy Permit (ROP)

Prior to commencement of work within the ROW, a ROP is to be obtained from the Public Works Department. To apply for a ROP permit, please visit www.antownship.ca

Identification of Capital Work and Planning

All utility companies, commissions, agencies, and private applicants which have the authority to construct, operate and maintain Infrastructure within the ROW shall submit a forecasted capital projects schedule on an annual basis to the Public Works Department.

Municipal Consent Application

Applications for MC shall be made on the standard MC Application Form. The MC Application Form shall be completed in its entirety and shall be submitted as part of the submission package. The form is available on the Township of Asphodel Norwood's website:

<https://www.antownship.ca/en/township-services/road-applications-and-permits.aspx>

Submission Package Requirements

The submission package shall include:

- Application form completed in its entirety.
- Detailed design drawings, prepared in accordance with the requirements identified in this document.
- Payment of the MC application fee in accordance with the current Fees and Charges By-law.

The fee for applications that do not meet the requirements as set out within this document are not refundable.

Application Drawings Requirements

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

- Direction North Arrow, Legend, and Scale;
- Street Names and Municipal Address;
- Property Lines, ROW Limits and Easement Limits;
- Driveways, Edge of Pavement, and Curbs;
- Guide Rail or Cable, Sidewalks, Fencing, Mature Trees with Dripline;
- Outlines of adjacent surface and subsurface structures. For the purpose of preparing the application drawings, "adjacent surface and subsurface structures" and "adjacent Infrastructure" shall mean infrastructure that may be impacted by the proposed work or is located less than the minimum clearance distances;
- Location and Depth of Ditches;
- Description, location and dimensions of Existing Adjacent Infrastructure;
- Description, location and dimensions of Propose Infrastructure;
- All references to utility depths shall be based on geodetic elevations;
- Sign off by Other Utilities with respect to existing location of their Infrastructure, location of proposed Infrastructure by the applicant and no conflict with future undertakings;
- All dimensions pertaining to the location of existing a proposed Infrastructure shall be referenced to the current and/or proposed property lines or ROW limits;
- The drawings shall be greyscale with bold distinction line types to distinguish between types of proposed Infrastructure.

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

Pre-Application Review

To avoid the need for redesign and resubmissions, and to reduce review time, the reviewer will, if necessary, within a reasonable time and at no cost to the Applicant, attend one site meeting and conduct a preliminary review of the proposal before the Applicant finalizes the design and submits the MC Application.

Changes to the Permit

Any request for changes to an approved MC drawing must be reviewed and approved by the Public Works Manager. Depending on the nature and extent of the requested change, the Applicant may be required to:

- Meet with the Public Works Manager 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 adjacent owner of affected above or below ground Infrastructure (if applicable).

Projects With Multiple Drawings

The Applicant may choose to 'bundle' several drawings together as a single application for projects which involve continuous Infrastructure installation over large distances. In the absence of any specific instructions, the application will be reviewed as a whole with all drawings being approved simultaneously or all drawings being cancelled.

Cancelled Projects

The Public Works Manager must be notified of any cancelled projects for which an MC Application has been submitted or a MC has been issued.

Incomplete or Non-Approved Applications

If an MC Application does not meet the requirements of the MCM, it will not be approved. The Public Works Manager will contact the Applicant via e-mail to the address specified on the application and notify them of the deficiencies. The Applicant must address the deficiencies within a reasonable time, or the application form will be returned, and the MC Fee will be forfeited.

Circulation and Signoffs

Prior to applying, the Applicant is advised to contact all utility companies, agencies and commissions that may be impacted by the work and provide them with drawings of their proposed work. The

Applicant should request confirmation that other utilities have marked up their drawing or provided an up-to-date location certificate of their infrastructure within the limits of the proposed work. The applicant should request confirmation that other utilities have communicated all their requirements, objections to the proposed work if any, or if a joint-build venture is being declined. Additionally, the applicant should consider performing a subsurface utility exploration to identify any unknown existing utilities, or confirm locations of existing utilities, that may be impacted by their proposed work.

Application Review Period

Applications shall be submitted to the Public Works Manager at Least 30 business days prior to the commencement date of the work. The date of the application will be the date on which the complete and compliant application is received by the Public Works Manager.

Applications will normally be processed within 10 business days for proposed Infrastructure extending less than 30km's in length and 25 business days for Infrastructure extending greater than 30km's in length. The time required for review will vary depending on the nature, size and complexity of the proposed work and the completeness and clarity of the application form and drawings. The response time is indented to meet the requirements of Table 4: Performance Timelines for Buried Route on Municipal Rights of Way – Building Broadband Faster in Ontario, November 2021.

Approval Procedures

Upon completion of the MC application review, a copy of the Municipal Consent will be emailed to the Applicant. The issuance of an MC by the Township does not relieve the Applicant of the responsibility to ensure that the notification requirements are properly carried out and that the appropriate locates and clearances are obtained prior to commencing the installation of the proposed work.

New Road Surfaces

To ensure the long-term sustainability of the Township of Asphodel-Norwood's infrastructure and to minimize disruption and inconvenience to the public resulting from repeated construction activity; work proposed in or under new or recently reconstructed road surfaces are reviewed with an additional lens.

In the event an application is received for work in or under any infrastructure that is 3 years old or less, the Public Works Manager will undertake a comprehensive review of the proposed working area and the type and methods of construction proposed in order to mitigate the potential of negative impacts. This includes construction or reconstruction of roads, culverts, sidewalks, bridges, boulevards, full resurfacing of streets including base repairs. The comprehensive review may include a meeting with the Applicant to discuss the following:

- Alternative means of meeting the Applicants servicing objectives by investigating alternate routes, evaluation of existing conduit capacity, reactivation of abandoned Infrastructure, utilization of abandoned conduit, trenchless technology, etc.;
- Provide justification for proposed methods of installation if deemed harmful to the new pavement structure;
- Details of roadway restoration requirements.

Disputes

In the event of any dispute regarding the review of a specific application, the Manager of Public Works and/or a designate appointed by the Manger of Public Works shall make the final determination.

Design Guidelines

Alignments

Installation of Infrastructure shall follow the alignments shown in the Townships Standard Drawings.

The Township of Asphodel-Norwood, in its sole discretion, may direct the Applicant to propose an alternate alignment if, in the opinion of the Public Works Manager, the proposed alignment is not in the best interests of the efficient and organized usage of the ROW.

Roadway Crossing

Wherever possible, proposed roadway crossing shall be perpendicular to the roadway.

Roadway crossings within intersections should be avoided. All roadway crossings shall be in conduit adequately sized for future anticipated growth.

Clearances

Applicants must meet minimum horizontal and vertical clearances from existing Infrastructure as outlined below in the *Vertical and Horizontal Clearance Guidelines*. These clearances must be measured from the outermost edge of the existing Infrastructure to the outermost edge of the proposed Infrastructure. Any encasement, steel plating or other non-excavatable material must be taken into consideration when measuring clearance. Exemptions from the minimum clearances may be approved by the affected Infrastructure owners and the Public Works Manager. Written consent forms the affected Infrastructure owner is required, and a detailed drawing (to scale) of the existing and proposed Infrastructure clearances may be requested.

Utility/Object Type	Vertical (mm)	Horizontal (mm)
Hydro One Infrastructure	1000	1000
Asphodel-Norwood Streetlight Cables	300	600
Asphodel-Norwood Streetlight poles and vaults	**	1000
Enbridge Gas NPS 12 300mm and less – Open Cut	300	600
Enbridge Gas Vital Mains – Open Cut	600	1000
Enbridge Gas All Pipelines – Trenchless	1000	1000
Asphodel-Norwood Pavement Structure, Curbs, and Sidewalks	1000	500
Asphodel-Norwood Catchbasins, Maintenance Holes	**	500
Streetline/Property Line	**	300

Telecommunications Conduit and Cable (Bell, Rogers, Eastlink, Cogeco, Etc.)	300	600
Telecommunications Vital Main (Conc. Encased Conduit) (Bell, Rogers, Eastlink, Cogeco, Etc.)	600	600
Telecommunications Pedestals, Vaults and Maintenance Holes (Bell, Rogers, Eastlink, Cogeco, Etc.)	1000	1000
Railway Tracks and Related Infrastructure	1000	500
Water Distribution Pipes and Valves	300	750
Water Distribution Service Laterals and Curb Stops	150	600
Fire Hydrants above grade Infrastructure	**	1200
Fire Hydrants below grade Infrastructure	400	1500
Wastewater Collection Pipe and Maintenance Holes	300	750
Wastewater Collection Service Laterals and Cleanouts	150	600
Wastewater Collection Forcemain Pipe	600	1000
Natural Watercourse/Large Diameter Culverts	**	900

** Clearance above and below to be determined on a case-by-case basis

Depth of Cover

All installations within the boulevard must be buried at least 1.0 meters below the lowest elevation of either the centerline of the trench or the centerline of the roadway. Installations within the pavement structure must be buried at least 1.2 meters below the lowest elevation of either the centreline of the trench or the centreline of the roadway. These depths are minimums and additional depth of cover may be required if necessary. Exceptions may be approved on a case-by-case basis if the Applicant is unable to meet the depth requirements, however, they must contact the Public Works Manager prior to submitting the MC Application.

Infrastructure may not be installed shallower than the minimum depths indicated without written consent from the Public Works Manager.

All Buried structures, such as vaults and chambers, must meet the minimum depth requirements, and any access must be designed such that only the access protrudes to the surface.

Structures With Surface Access

Any new buried structures which have surface access, with the exception of vaults where the structure roof is monolithic with the sidewalk or flush with the surrounding finished grade shall be constructed with the ability for fine adjustment of their elevation to accommodate future changes to surface grading and structurally designed for highway traffic loading.

Common Trenches

To make effective use of the limited space in the ROW, the Public Works Manager may request that utility companies planning installations in close proximity to one another, or to service the same customer, enter into an agreement to share a common trench.

Where the parties have agreed to construct a common trench, one of the utility companies shall be designated as the Applicant for purposes of obtaining MC, adherence to permit conditions, completion of restoration, billing process, and submission of as-constructed drawings. Common trenches shall be clearly identified, including the names of all participating utility companies, on both the application and the drawings.

Above-ground Infrastructure

Applicants for work that include an above-ground Infrastructure shall include consideration to reducing the negative visual impact to passing motorists, pedestrians and adjacent property owners while still allowing the Applicant to freely access and properly service the Infrastructure and provide its services to its customers.

Applicants shall describe the proposed aesthetic treatment which will be reviewed by the Public Works Manager for suitability and potential impact. Examples of aesthetic treatment include but are not limited to: placement in locations of minimal visual impact; landscaping around the Infrastructure; painting the Infrastructure; decorative covers; placement of Infrastructure behind existing physical features. The Applicant shall be responsible for the maintenance of any material aesthetic treatment such as paint coverings to the satisfaction of the Township.

If the proposed location of the above ground Infrastructure falls within the Business Improvement Area, the Applicant shall notify the affected business in writing and outline the nature of the work clearly describing the size, appearance, and location of the proposed above ground Infrastructure. The notification must also include the Applicants contact information. The Applicant is to ensure that any objections regarding the proposed Infrastructure and its location are addressed prior to submitting the application. A copy of the notification shall be submitted with the application.

Lands Other Than ROW's

Installations on Asphodel-Norwood's owned land other than ROW's require the prior approval of the department that has jurisdiction over that land. Any easement documents or licenses that may be required by the Township for work in these locations shall be submitted with the application.

Abandoned/Decommissioned Infrastructure

The Applicant shall clearly identify all proposed removal or abandonment of Infrastructure on the drawings. The utility company shall continue to be responsible and liable for all abandoned Infrastructure and any issues that arise because of that abandoned Infrastructure until such time that it has been completely removed from the RIW to the satisfaction of the Township of Asphodel-Norwood. This responsibility shall include, but not be limited to, providing all available information for any abandoned or decommissioned Infrastructure as part of the Applicants response to any request for information by the Township.

During the Townships reconstruction projects, Asphodel-Norwood, in its sole discretion, may direct the Applicant to specify complete removal of all existing Infrastructure and to be replaced in coordination with the project.

Pole Replacement

To ensure the timely removal of redundant poles, any application for the installation of a new pole which is intended to replace an existing pole shall clearly identify all poles to be removed.

The maximum time period from the installation of the new pole(s) until removal of the existing pole(s) and completion of restoration shall not exceed the term of the MC (12 months).

Inspection

The Applicant shall contact the Manager of Public Works prior to the start of Works.

Non-Compliant Installations

Should any construction begin that is not in strict compliance with the conditions of the permit and this document 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, until the infraction has been addressed by the Applicant to the satisfaction of the Township.

Where a Infrastructure is found to be installed without valid permit and/or in a location other than that approved by the Public Works Manager, the Applicant may be required to remove the Infrastructure immediately, at its own expense.

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 the Public Works Manager or Municipal Law Enforcement:

- Approved MC and Approved Drawings
- Road Occupancy Permit
- Notification to the Business Improvement Area where applicable
- Any documentation required to be kept on-site under legislation

Trenchless Installations

Where the work is being undertaken using trenchless installation methods, preservation and protection of existing Infrastructure shall be in accordance to Ontario Provincial Standard Specifications.

Minimum horizontal and vertical clearances to existing Infrastructure shall be maintained. Clearances shall be measured from the nearest edge of the largest back reamer required to the nearest edge of the facility being paralleled or crossed.

Existing underground Infrastructure shall be exposed to verify its horizontal and vertical locations when the bore path comes within 1.0m horizontally or vertically of the existing Infrastructure. Existing Infrastructure 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 should be clearly depicted on the application drawings. All pilot holes and any other damage to the ROW or infrastructure shall be restored as per the requirements of the ROP By-law.

Other Considerations

When the proposed works involves the removal or the replacement of a utility pole that is being utilized for Township infrastructure including but not limited to street lighting, parking signs, and public information signs, the Applicant shall coordinate with the Public Works Manager for the removal and replacement of Township owned infrastructure prior to submitting the application. The Applicant shall identify all Township owned infrastructure being removed or relocated on the application drawings.

As-built Records

As-Built Records shall ensure that all construction additions, deletions, and changes are accurately reflected in the final drawing. The records must be signed by a qualified person that is responsible for records accuracy. As-built Records must be submitted within 60 days of the completion of the work.

If the Applicant does not submit a compliant As-built Record within 60 days of the project completion, Asphodel-Norwood may, in its sole discretion, arrange for a locator and survey crew to identify, locate, and prepare a drawing accurately depicting the location of the Applicants infrastructure. All costs associated with this work shall be charged to the Applicant. The issuance of new permits may be withheld or delayed until the required As-built Records have been submitted.

The Submitted As-built Records may be used for management of the ROW and for future designs. If the constructed Infrastructure location differs from that shown on the As-built Records, the Applicant will be held responsible for, and shall absolve all other occupiers of the ROW of any responsibility for all damages, liabilities, relocation costs, redesign costs and subsequent delay costs resulting from the Applicants failure to provide an accurate location certificate.