



TOWN OF PELHAM POLICY MANUAL

Operations Department – Works Division

Index

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TOWN OF PELHAM POLICY MANUAL

WORKS/01

Department	Name of Policy
Operations Department/Works	Encroachments on Road Allowances

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APPROVAL DATE: April 15, 1996

EFFECTIVE DATE:

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POLICY STATEMENT:

A method to permit staff to deal with encroachments constructed or placed within a road allowance by residents will ensure these occurrences can be dealt with in a timely manner, reducing situations where some liability could be directed towards the Town in the event of an accident.

When an encroachment is reported, or observed, staff shall investigate and classify the encroachment as to whether it is a "rigid", earthen, drainage or a planting encroachment.

- (1) Rigid encroachments will be defined as retaining walls, armour stone, field stones, fence posts, etc., and will not be permitted under any circumstances.
- (2) Earthen encroachments will be defined as berms or small earthworks not higher than 600mm above the adjacent edge of road. If the encroachment structure is approved, it will be necessary for the constructor to enter into an encroachment agreement with the Town and provide a minimum of \$2,000,000.00 liability insurance, naming the Town as an additional insured. These encroachments will be examined on a case-by-case basis.
- (3) Drainage encroachments will be defined as encroachments which block or impede drainage within the road allowance, or the altering or deepening or shallowing of an existing road ditch. Encroachments such as this will not be permitted.

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Department	Name of Policy
OPERATIONS DEPARTMENT/Works	Use of Municipal Roads and/or Facilities/Parks for Community Events and other activities

APPROVAL DATE: August 19, 1996
AMENDED DATE: December 20, 2004

POLICY STATEMENT:

The following is the policy respecting the issuance of approvals for the use of Municipal Roads and Properties for social, recreational, community or athletic activities.

- a) Whereas persons, groups or organizations desirous of using the Municipality’s roads and/or facilities/parks for social, recreational, community or athletic events, must make application to Town Council for approval of that use. Depending on the size and nature of the event this may require Town Council approval. Applicants will be required to complete an Application for Use of Facilities/Parks and/or an Application for Roads Use for Special Events (if applicable).
- b) Activities involving the use of the travelled portion of the road, whether or not the road is temporarily closed to traffic shall be subject to the approval of Town Council.
- c) All road closures related to community or other events, except those of short duration, shall be accomplished by means of the appropriate by-law and public notification.
- d) All permits for the temporary occupation or use of a municipal road shall be conditional upon the applicant obtaining liability insurance in the amount indicated on the attached appendix to this policy.

- e) All applicants requesting approval to hold a public event must stipulate measures to be taken to ensure accessibility by providing the following; details indicating barrier free zones, barrier free route access and designated special parking spots.
- f) All applicants requesting approval to hold a public event must provide an insurance certificate naming the Town as additional named insured, and hold the Town of Pelham harmless from any liability arising out of the use of municipal roads and facilities/parks.
- g) The Town may request the applicant to provide payment and/or cash deposit sufficient to defray the estimated cost of signing, barricading, advertising or any other action required on the part of the Town or any other Special Services requested by the applicant in connection with the activity.
- h) Where an applicant is unable to satisfy the requirements of this policy, exemption for such requirements must receive the approval of Town Council, which will consider each application on its own merits.
- i) All applicants using a road must obtain the approval and participation from the Niagara Regional Police for any event.
- j) All applicants must obtain approval of the Regional Municipality of Niagara if the event will take place on a Regional Road.

APPENDIX A: POLICY OPERATIONS /02
SUMMARY OF GENERAL REQUIREMENTS RESPECTING
ACTIVITIES ON MUNICIPAL ROADS

Typical Social, Recreational, Community Events to be covered by this Policy

<u>Events</u>	<u>Permit required</u>	<u>Minimum Amount of Insurance required (millions)</u>	<u>Road Closing by-law required</u>
Bed Races	yes	\$1,000,000.00	yes
Street Dances	yes	\$1,000,000.00	yes
Street Festivities	yes	\$1,000,000.00	yes
Filming	yes	\$1,000,000.00	*
Runs	yes	\$1,000,000.00	*
Bicycle Races	yes	\$1,000,000.00	*
Walk-a-thon			
a) sidewalk only	no	*	*
b) on road	yes	\$1,000,000.00	yes
Parades	yes	\$1,000,000.00	yes
Processions	yes	\$1,000,000.00	*
Circus	yes	\$1,000,000.00	yes
Sidewalk sales	yes	\$1,000,000.00	*

NOTE:

- 1. To be determined on an individual basis
- All Public Events must provide an insurance certificate of \$2,000,000 naming the Town as an additional insured, and hold the Town of Pelham harmless of any liability arising out of the use of municipal road and facilities/parks.

TOWN OF PELHAM

Operations Department

Application For Use of Facilities/Park Permits

Name of Event: _____

Sponsoring Organization (if applicable): _____

Applicant's Name: _____

Mailing Address: _____

Telephone Number: (Home) _____ Business/Cell: _____

Is this a: ☐ Public Event _____ estimated number attending
☐ Private Event _____ number invited

Date of Event: _____ Time: _____
_____ Time: _____

Facilities Requested

<input type="checkbox"/> ARENA <input type="checkbox"/> Soccer Field (1)(2) <input type="checkbox"/> Multi-Purpose Court <input type="checkbox"/> Pad Surface <input type="checkbox"/> Ice Surface <input type="checkbox"/> Community Hall <input type="checkbox"/> _____	<input type="checkbox"/> CENTENNIAL PARK <input type="checkbox"/> Ball Diamonds <input type="checkbox"/> Soccer Field <input type="checkbox"/> All Purpose Court <input type="checkbox"/> Passive Area <input type="checkbox"/> Pavilion <input type="checkbox"/> _____	<input type="checkbox"/> FONTHILL PARK <input type="checkbox"/> Ball Diamond <input type="checkbox"/> Passive Area <input type="checkbox"/> _____
<input type="checkbox"/> HAROLD BLACK PK <input type="checkbox"/> Soccer Field <input type="checkbox"/> Ball Diamonds (1)(2) <input type="checkbox"/> Pavilion <input type="checkbox"/> _____	<input type="checkbox"/> NORTH PELHAM PARK <input type="checkbox"/> Ball Diamond <input type="checkbox"/> Multi-Purpose Court <input type="checkbox"/> Passive Area <input type="checkbox"/> _____	<input type="checkbox"/> OLD PELHAM TOWN HALL <input type="checkbox"/> Hall <input type="checkbox"/> _____
<input type="checkbox"/> PEACE PARK <input type="checkbox"/> Passive Area <input type="checkbox"/> _____	<input type="checkbox"/> OTHER <input type="checkbox"/> _____ <input type="checkbox"/> _____	<input type="checkbox"/> SPECIAL SERVICES <input type="checkbox"/> Picnic Tables <input type="checkbox"/> Clean up <input type="checkbox"/> Garbage Cans <input type="checkbox"/> Barricades <input type="checkbox"/> Recycling Boxes <input type="checkbox"/> Signs <input type="checkbox"/> Staff on Duty <input type="checkbox"/> _____ <input type="checkbox"/> Portable Washrooms

- I/WE HEREBY AGREE TO THE FOLLOWING CONDITIONS:
1.

To save the Municipality of the Town of Pelham harmless from any and all claims and/or damages arising out of this event and to provide any bond or insurance which may be required in this regard.
2.

To be responsible for any and all costs to provide and maintain sufficient traffic control measures to ensure safety for the traveling public, participants and all other associated costs related to this event.
3.

To ensure accessibility by providing the following; details indicating barrier free zones, barrier free route access and designated special parking spots.

Applicant's Signature: _____

Date of Application: _____



TOWN OF PELHAM
OPERATIONS DEPARTMENT
Application for Special Events

Name of Event

Sponsoring Organization

Applicant's Name.....

Mailing Address.....Tel. No.....

TYPE OF SPECIAL EVENT

- ☐ Parade
- ☐ Bicycle Race
- ☐ Walk-a-thon
- ☐ Procession
- ☐ Filming
- ☐ Street Festivities
- ☐ Running Event
- ☐ Sidewalk Sale
- ☐ Road Use
- ☐ Other (specify):

Route:.....
.....
.....

Date of Event.....

Scheduled Start.....Finish.....Number of Participants

Regional Municipality's Contact Representative.....

Niagara Regional Police Representative

I/WE HEREBY AGREE TO THE FOLLOWING CONDITIONS:

1. To save the Municipality of the Town of Pelham harmless from any and all claims and/or damages arising out of this road closing and to provide any bond or insurance which may be required in this regard.
2. To be responsible for any and all costs to provide and maintain sufficient traffic control measures to ensure safety for the travelling public and participants.
3. ~~TO ENSURE ACCESSIBILITY BY PROVIDING THE FOLLOWING DETAILS INDICATING BARRIER FREE ZONES, BARRIER FREE ROUTE ACCESS AND DESIGNATED SPECIAL PARKING SPOTS~~.....

Applicant's Signature

Date of Application

THIS SECTION TO BE FILLED IN BY THE TOWN OF PELHAM

1. Road Closing By-Law required: ☐ YES ☐ NO
- Date submitted to Operations:
- Expected Date of Council Approval (if required)
2. Certificate of Public Liability Insurance Required: ☐ YES ☐ NO Amount: \$.....
3. Traffic Control signing to be provided by Area Municipality ☐ Detour to be provided by Town of Pelham ☐
- Deposit Amount: \$



TOWN OF PELHAM
OPERATIONS DEPARTMENT

Community Event Permit

Number

Issued to:

Address:

.....

Event:

In the Municipality of:

Date..... Time:.....

Route:

.....

.....

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.....

.....

Special Conditions:

.....

.....

.....

Date:

Copy Forwarded to:

.....

for: Director of Operations

The applicant shall assume all liabilities and will be responsible for all actions, claims, damages, or losses whatsoever occasioned by or on account of the issuance of the above permit.

ORIGINAL: office copy YELLOW COPY: applicant

APPENDIX "A"

**TOWN OF PELHAM
STANDING SERVICE CONTRACT**

List of Municipal Buildings and Facility Supervisors

<u>BUILDING</u>	<u>LOCATION</u>	<u>SUPERVISOR</u>
Arena Buildings	1120 Haist Street	Harold Hagar (892-5694)
Fire Station #1	177 Highway #20, W.	Fire Chief (892-3943)
Fire Station #2	792 Welland Road	Fire Chief
Municipal Office Building (Town Hall)	20 Pelham Town Square	Ernie Cronier (892-2607)
Main Library	43 Pelham Town Square	Hugh Molson (892-6443)
Maple Acre Library Branch	781 Canboro Road	Hugh Molson
Fonthill Works Building	33 Park Lane	Graham Gilmour (892-3561)
Tice Road Works Building	675 Tice Road	Graham Gilmour
Fonthill Park Buildings (Pool, Concession, etc)	55 Park Lane	Harold Hagar (Apr 1 to Oct 30) Graham Gilmour (Nov 1 to Mar 30)
Pelham Township Hall	491 Canboro Road	Harold Hagar (Apr 1 to Oct 30) Graham Gilmour (Nov 1 to Mar 30)
Centennial Park Buildings	999 Church Street, Fenwick	Harold Hagar (Apr 1 to Oct 30) Graham Gilmour (Nov 1 to Mar 30)
Harold Black Park Buildings	953 Haist Street	Harold Hagar (Apr 1 to Oct 30) Graham Gilmour (Nov 1 to Mar 30)
Mausoleum (Fonthill Cemetery)	Fonthill Cemetery	Graham Gilmour

APPENDIX "A"
To Municipal Building Preventive Maintenance Program

<u>FACILITY SUPERVISOR</u>	<u>LOCATION</u>
1. Director of Building and Enforcement Services	Municipal Office Building 20 Pelham Town Square
2. Director of Fire Services	Fire Station #1 177 Hwy. 20 West
	Fire Station #2 792 Welland Road
3. Chief Executive Officer Chief Librarian	Main Library 43 Pelham Town Square
	Maple Acre Library Branch 781 Canboro Road
4. Facilities Manager & Operations Foreman	Arena Buildings 1120 Haist Street
	Fonthill Works Building 33 Park Lane
	Tice Road Works Building 675 Tice Road
	Fonthill Park Buildings 55 Park Lane
	Pelham Township Hall 491 Canboro Road
	Centennial Park Buildings 999 Church Street
	Harold Black Park Buildings 953 Haist Street

DEPARTMENT	NAME OF POLICY
Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

1. POLICY STATEMENT:

The Town of Pelham is committed

- (a) to the provision of on-going maintenance of Municipal Drains constructed under the provisions of the Drainage Act Chapter D.17 RSO 1990 (within the Town of Pelham) sufficient to meet legislated requirements of the Drainage Act in an efficient economic manner
- (b) to the investigation of landowners concerns relative to drainage matters. To meet this commitment, the Council of the Town of Pelham will appoint by by-law a Drainage Superintendent in accordance with the provisions of the Act with the authority and responsibilities to:
 - Periodically inspect all municipal drains noting problem areas and specific concerns
 - Consult with landowners directly affected by municipal drains to evaluate identified concerns and conditions
 - Prepare annually a projected 5 year maintenance program taking into consideration the overall conditions of the municipal drains within the Town of Pelham, time since last repair, individual landowner concerns and results of periodic inspections
 - Submit annually a maintenance program for the coming year for Council’s consideration and approval
 - Ensure plans and specifications are obtained as necessary, obtain quotations for maintenance work from qualified contractor’s and carry out maintenance in accordance will Section 74 of the Drainage Act, based on the approved annual program
 - Investigate drainage related concerns of landowners making recommendations and report to Council as necessary

2. DEFINITIONS:

- Town: Town of Pelham
- Municipal Drain: A Drainage works constructed in accordance with S4 or S78 of the Drainage Act
- Mutual Agreement Drain: A Drainage works constructed in accordance with S2 of the Drainage Act
- Tile Drain: A drainage system constructed in accordance with the Tile Drainage Act
- Tile Drain Loan: Funding provided by the Province of Ontario administered by the Municipality in the form of a repayable loan for a portion of the cost of installing a Tile Drainage System. (Amounts of loans, repayment terms and rates are adjusted each year by the Province)
- Engineer: An Engineer registered under the Professional Engineers Act or a Surveyor registered under The Surveyors Act S1 (12) Drainage Act
- Engineer’s Report: An Engineer’s Report containing the information specified in S8 of the Drainage Act

DEPARTMENT	NAME OF POLICY
Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

Act: Reference to The Drainage Act
Petition: Petition filed as detailed in S4 of The Drainage Act
Drainage Superintendent:
Appointed by by-law in accordance with the Drainage Act S93 (1)
(a) To initiate and supervise maintenance and repairs of any drainage works
(b) To assist in construction or improvements of any drainage works
(c) Report when necessary to Council
Drainage Works: Drain constructed by any means including improvement of a natural watercourse and includes works necessary as detailed in the Drainage Act S1(ii)
Improvement: Any modification or addition to a Drainage Works intended to increase effectiveness of the system
Repair: Restoration of a Drainage Works to original condition
Tile Drain Inspector: an individual appointed by the Town of Pelham with responsibility for inspection of tile draining works in accordance with this policy.

3. MAINTENANCE PROCEDURES:
- Existing Municipal Drains
- (i) Preparation

1. Assessment schedules shall be updated for each drain proposed for maintenance for the year and cost estimates determined noting individual costs to each property including any applicable grants.

2. Applications for grants shall be forwarded to OMAFRA for projects scheduled in accordance with the current Engineer’s report noting the cost that will be assessed to agricultural lands.
- (ii) Notices and Communication with Property Owners

1. Notices of maintenance work on each drain will be prepared for each assessed property owner in the watershed area indicating the location of the proposed work and the estimated total cost, percentage of cost to that particular property and the estimated applicable grant.

2. These notices will be sent to each property owner in March or April of each year before crops are planted to enable work to be planned.

3. Drainage construction notices will be prepared for each property owner directly on the drain where work will take place. For owners not living in the area these notices will be sent out indicating the suggested location of the work, the location of spoil and any other pertinent details. If the land is rented and the person renting same is known that person shall be contacted to discuss the details of the work as well. The property owner shall be requested to sign the form and return it to the Town to indicate his understanding of the work to be done. If concerns are noted, the owner is requested to contact the Town to discuss the concern.

DEPARTMENT	NAME OF POLICY
Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

4. Property owners living in the area will be contacted by phone and in person wherever possible. The work on their property will be discussed and verified. All details will be noted on the construction form and the owner's signature will verify the details as noted. One copy of the form will be left with the owner, one copy filed with the Town and one copy kept by the Drainage Superintendent for construction reference.
5. Any particular problem or concern will be viewed on-site with the owner and if the matter cannot be resolved then a review with Council will be scheduled.
6. The Drainage Superintendent shall ensure all notices and communications are in order before construction commences.

(iii) Construction

1. The scheduling of when work will be done will be finalized after owners have been contacted based on adjacent crops and the time that will best permit the work to be carried out.
2. Prior to construction, grades will be set wherever necessary to ensure the maintenance is done in accordance with the profile of the original report.
3. Details of all work to be done shall be reviewed with the machine operator before entering a property.
4. Daily inspection of the operations will ensure all work is proceeding as noted on the construction forms and any problems can be dealt with as quickly as possible.
5. Leveling of spoil will be scheduled as soon after excavation as possible depending crops and weather conditions to ensure a satisfactory job.
6. The Drainage Superintendent shall ensure all work is carried out as required.

(iv) Billing

1. On completion of all work on a Drain, notices will be sent out to all owners where work has taken place noting that the work is completed in accordance with the last engineer's report and requesting the owner to notify the Town within a specified time if there is any dissatisfaction with the work done.
2. Final costs will be totalled, application for grant will be made to OMAFRA and the billing prepared and sent to all assessed owners

(v) Follow-up

1. Each year after a Drain has been repaired it shall be inspected for serious problems such as bank erosion, run-in, etc. If necessary, minor repairs shall be scheduled as necessary.
2. At the end of each year a summary of the work completed that year and the final cost for each Drain shall be prepared and submitted to Council.

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Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

(vi) Orders

1. All orders in accordance with the Drainage Act shall be followed.
2. The Drainage Superintendent shall carry out duties as specified in the Act and shall be responsible for ensuring orders are issued to owners where problems cannot be corrected by on-site discussion.
3. Orders shall be sent by registered mail and a copy retained in the Office. Re-inspections shall be scheduled after the time specified in the order and compliance or non-compliance with the order shall be noted. The above procedure shall be repeated for non-compliance and further action taken in accordance with the Act if necessary.

4. **SUMMARY:**

1. All procedures shall be followed as closely as possible to ensure the ongoing and continued operation of a successful drainage program.
2. The Drainage Superintendent (Director of Operations in the absence of the Drainage Superintendent) shall instruct and supervise all maintenance and construction operations relating to Municipal Drains in the Town of Pelham.
3. In the interest of all concerned it is the intention of the Town of Pelham to provide a drainage program that will keep all Municipal drains operating satisfactorily while keeping costs at a minimum. Public relations and communications with landowners, close supervision of operations, uniform implementation of policies and procedures and liaison with Council will assist in ensuring a successful drainage program on a continuing basis.
4. While constructing and maintaining municipal drains to provide satisfactory outlet is a prime concern, all work carried out should recognize environmental concerns. Ditch bank stabilization and methods to reduce erosion are major components of environmental protection, while at the same time, assist in preserving the efficiency of the drain. An ongoing effort between Conservation Authorities, the Ministry of Natural Resources, Federations of Agriculture, soil and crop improvement associations, local and provincial agriculture and food ministries, engineers, landowners and municipalities, to resolve concerns will aid in the successful operation of a drainage maintenance program.
5. Many municipalities have municipal drains that either outlet in another municipality or provide outlet for another municipality. For a drain maintenance program to work effectively it is imperative that co-operations exist between the affected municipalities. Drain maintenance in one municipality can affect a neighbouring municipality significantly, by way of a suitable outlet or lack of a suitable outlet, as well as by considerable costs to upstream owners that may be in another municipality, far removed from any work that might be carried out.

DEPARTMENT	NAME OF POLICY
Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

6. Although policies and actual procedures involved in operating a drainage program may vary from time to time, and from municipality to municipality, it is of utmost importance that all work carried out is in accordance with the Drainage Act, the engineer's report and the current by-law. To carry out work not in accordance with the by-law can, and no doubt will adversely affect the integrity of a drainage program. The Ministry of Agriculture, Food and Rural Affairs can be very helpful to municipalities in clarifying and addressing particular questions and concerns relative to drainage reports.

5. NEW MUNICIPAL DRAINS:

1. Prior to a property owner signing a petition for a drain the owner should be made fully aware of the procedure involved and advised if the petition may or may not be valid.
2. The Drainage Superintendent should be fully aware of the reason for the petition and be prepared to work with the Engineer in determining the best solution to the problem for all concerned.
3. All new Municipal Drains must be initiated on the basis of a valid petition, in accordance with the S4 of the Drainage Act. On receipt of a petition Council will consider the petition and if it is the decision to proceed, an Engineer will be appointed to prepare a report as outlined by the Act.
4. The Engineer should be made aware of all the details of the area requiring drainage. The on-site meeting should clarify all concerns.
5. Once the Engineer has completed his fieldwork and taken into account all the concerns noted at the first on-site meeting a second on-site meeting is very beneficial. This provides the Engineer an opportunity to explain to the property owners what has been done so far and if further concerns are noted they can be dealt with before the report is finalized and avoid serious concerns once the report is presented to Council.
6. The Engineer should clearly identify in his report the working space along the drain, the method of disposing of spoil, and any other specific details that the property owners and contractor should be aware of. Property owners should be requested by the report to bring to the attention of the Engineer or Drainage Superintendent or contractor any title outlets or property markers that could be damaged during the construction.
7. The Engineer should, whenever possible, use Geodetic elevations and establish as many permanent benchmarks as possible. For future maintenance purposes and drain monitoring the availability of benchmarks and Geodetic elevations prove very useful.

6. MUTUAL AGREEMENT DRAINS:

1. Mutual agreement drains can provide adequate drainage for problem areas if an agreement for the drain location and the sharing of costs can be agreed on by all persons involved.

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Approval Date: July 21, 1997

2. Prior to arranging a mutual agreement drain, levels should be taken to ensure a suitable outlet is available (preferable a municipal drain).
3. Mutual agreement drains are best arranged when only a limited number of owners are involved. These drains can provide outlet for a problem area on one or two properties, for a problem area neighbouring property for tile drainage.
4. Prior to construction of a mutual agreement drain all details of the agreement should be finalized – drain details, size and location, sharing of costs for construction and for maintenance and the agreement signed by all concerned owners and registered on title of the properties. Administration is usually completed by the Town whose administrative costs becomes a cost of the drain.

TILE DRAIN LOAN:

7. (A) PROCEDURE FOR APPLICANTS FOR TILE DRAIN LOANS:

1. Applications for loans must be made prior to starting any work.
2. Outlets must be approved by the Town before any work is started.
3. The Town must be notified of commencement of work so that inspections can be scheduled in accordance with the inspection policy.
4. Forms must be signed by the applicants indicating they are aware of surface drainage from adjacent lands and also that they are releasing the Town of liability regarding inspections performed by the Town.
5. Failure to comply with any or all of the above may result in the refusal of any applications for loans.

7. (B) TILE DRAINAGE INSPECTION POLICY:

The Town of Pelham will provide farmers with a mandatory inspection service. The inspection will be designed to help safeguard both the interests of the farmer and the contractor, but, the Town of Pelham will in no way assume any responsibility for the level of efficiency at which the system ultimately operates.

It will be the **RESPONSIBILITY OF THE FARMER** to:

1. Ensure suitable outlets for tile drainage are available and approved by the Town before any work is started.
2. Apply for any applicable loans **BEFORE** commencement of work.
3. Notify the Town of actual starting of any work so that inspections can be scheduled accordingly.

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Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

The Town of Pelham inspections will follow the following guidelines:

1. Outlets (inspections will assure approved outlets are being used).
2. Quality of Material (materials should meet standards as set by the OMAFRA)
3. Actual Installations
 - (i) Trench depth, width and locations
 - (ii) Joints, connections and tile alignment
 - (iii) Levels at various intervals
 - (iv) Wrapping in all sandy conditions
 - (v) Blinding and backfilling

It shall also be the responsibility of the farmer to:

1. Purchase and Install signs for marking and identifying tile drainage outlets. These signs are available at the Town of Pelham.
2. Sign a statement recognizing that the Town of Pelham is not responsible for any subsequent failures of the system, and any inspections performed are merely an attempt to protect their interest but does not guarantee the system will function efficiently.

The Tile Drainage Inspector shall inspect all installations at least twice weekly. In some cases this may be necessary more often depending on the contractor and the circumstances. The inspector shall also keep accurate records of his inspections, mileage and time incurred for each project and communicate regularly with the Clerk regarding all tile drainage installations and applications.

All inspections will be done with the best interests in mind of the farmer and the Province of Ontario.

7. (C) TILE DRAINAGE LOAN APPLICATION PROCEDURE:

- (i) Applications that are received by the Town, are filed by number, in the order received.
- (ii) Based on the allocation of funds from the Province each year the applicants who have filed earliest are notified as far as the allocation goes that the monies are available for their work if completed before December 31st of that year.
- (iii) Funds that are held and work has not been completed by December 31st will go to the next applicant in line who has completed work.
- (iv) The applicant who was unable to complete work before year-end keeps his place in line and again is eligible next year depending on the allocation to the Municipality.
- (v) Early each year all applicants who have previously filed applications are requested to notify the Municipality by a specified time if they plan to complete work that year. This enables staff to update the information on file for purposes of requesting allocations from the Province and to be able to inform new applicants of the status of available funding.

DEPARTMENT	NAME OF POLICY
Operations Department	Municipal Drain Maintenance and Tile Drain Inspection Policy

Approval Date: July 21, 1997

7. (D)

CULVERTS:

1. **Access from Improved Roads**

No person shall install or cause to be installed any culvert to farms or lots in the Town of Pelham from any improved Town Road. All culvert installations shall be in accordance with the policies of the Corporation of the Town of Pelham as established by Council from time to time. Access culverts from improved Town Roads shall be installed by the Operations Department of the Town in accordance with any other policies in effect at the time regarding costs and distribution of costs between the owner, the Operations Department or the Drainage Department.

2. **Access from Unimproved Roads**

No person shall install or cause to be installed any culvert from an unimproved Town road in the Town of Pelham. All installations shall be in accordance with the policies of the Town of Pelham as established from time to time by the Council.

3. **Access on Municipal Drains**

1. Culverts or bridges on Municipal Drains that are identified in the Engineer's Report shall be installed, repaired and maintained as necessary in accordance with the report and the cost assessed as determined in the report.
2. Where a property owner has installed a culvert or crossing on a Municipal Drain without the knowledge or approval of the engineer or the Municipality, this culvert or crossing shall be the responsibility of the owner. If during maintenance this culvert has to be removed it shall be the responsibility of the owner to replace same and the replacement shall be approved by the Drainage Department of the Town. The Municipality shall not be responsible for any culverts installed without prior knowledge and approvals. If a culvert has been installed by an owner without the necessary approvals and is causing an obstruction to the drain it shall be dealt with by an order in accordance with the Drainage Act.
3. All culverts installed on Municipal Drains in the Town of Pelham which are not identified in the last report shall be dealt with in accordance with Section 78 of the Act unless other direction is given by the Municipal Council.

DEPARTMENT

Operations Department

NAME OF POLICY

Municipal Drain Maintenance and Tile
Drain Inspection Policy

Approval Date: July 21, 1997

9. NOTICES, FORMS AND ORDERS:

Attached forms indicate basic format used for notice to property owners. Actual forms used may vary slightly for each particular drain or situation.

Municipal Drains

1. Notice of Intended Drain Maintenance – Schedule A
2. Notice to Owners on or adjacent to Drains – Schedule B
3. Construction Instructions and Agreement – Schedule C
4. Notice of Completion – Schedule D
5. Notice of Owners of Severed Parcels – Schedule E
6. Agreement Between Owners for Apportionment – Schedule F

Tile Drains

7. Release of Liability Respecting Inspections Performed Under the Tile Drainage Policy of the Town of Pelham – Schedule G
8. Surface Drainage Affects of Tile Drain Installations – Schedule H
9. Outlet Approval for the Tile Drainage Applications – Schedule I



TOWN OF PELHAM POLICY MANUAL

WORKS/04

Department	Name of Policy
Operations Department/Works	Apportionment of Boulevards within Road Allowances to Abutting Private Property

Page 1 of 2

APPROVAL DATE: February 17, 1997

EFFECTIVE DATE: March 1, 1997

POLICY STATEMENT:

The following policy shall govern the apportionment of boulevards within road allowances to adjacent property owners.

PURPOSE:

The municipality owns the boulevard area of a road allowance and in most instances within a residential development, this boulevard area is maintained by the property owner upon whose lot the boulevard abuts. The area and limits of the boulevard to be apportioned to each property owner for maintenance of lawn and construction of a driveway shall be by the prescribed method as set out below:

- (I) Lots whose lot lines intersect the edge of the road allowance at a 90° angle shall be apportioned that portion of the boulevard within the projection of the lots lines to the back of curb or edge of road at a 90° angle to the road allowance.
- (II) Lots located adjacent to a road allowance which curves, bends or terminates in a turning circle shall be apportioned boulevard contained within projecting straight lines from the radius point of the curve, bend or turning circle to the front lot corners of the lot in question. The area within these line projections shall be considered the responsibility of the lot upon which this portion of the boulevard abuts.

Property owners encroaching with driveway construction beyond the limits apportioned in (I) and (II) will be required to remove the encroaching portion. This policy shall be considered in effect on March 1st, 1997 and control all boulevard apportionment after that date. Failure of the property owner to remove the encroaching portion of driveway within 2 weeks of written notification from the Municipality will result in removal of the encroachment by the Municipality. The owner creating the encroachment will be invoiced for all costs associated with removal of the encroachment and its restoration. Other encroachments within municipal road allowances shall be in accordance with Policy WORKS/01, dated April 15th, 1996.



TOWN OF PELHAM POLICY MANUAL

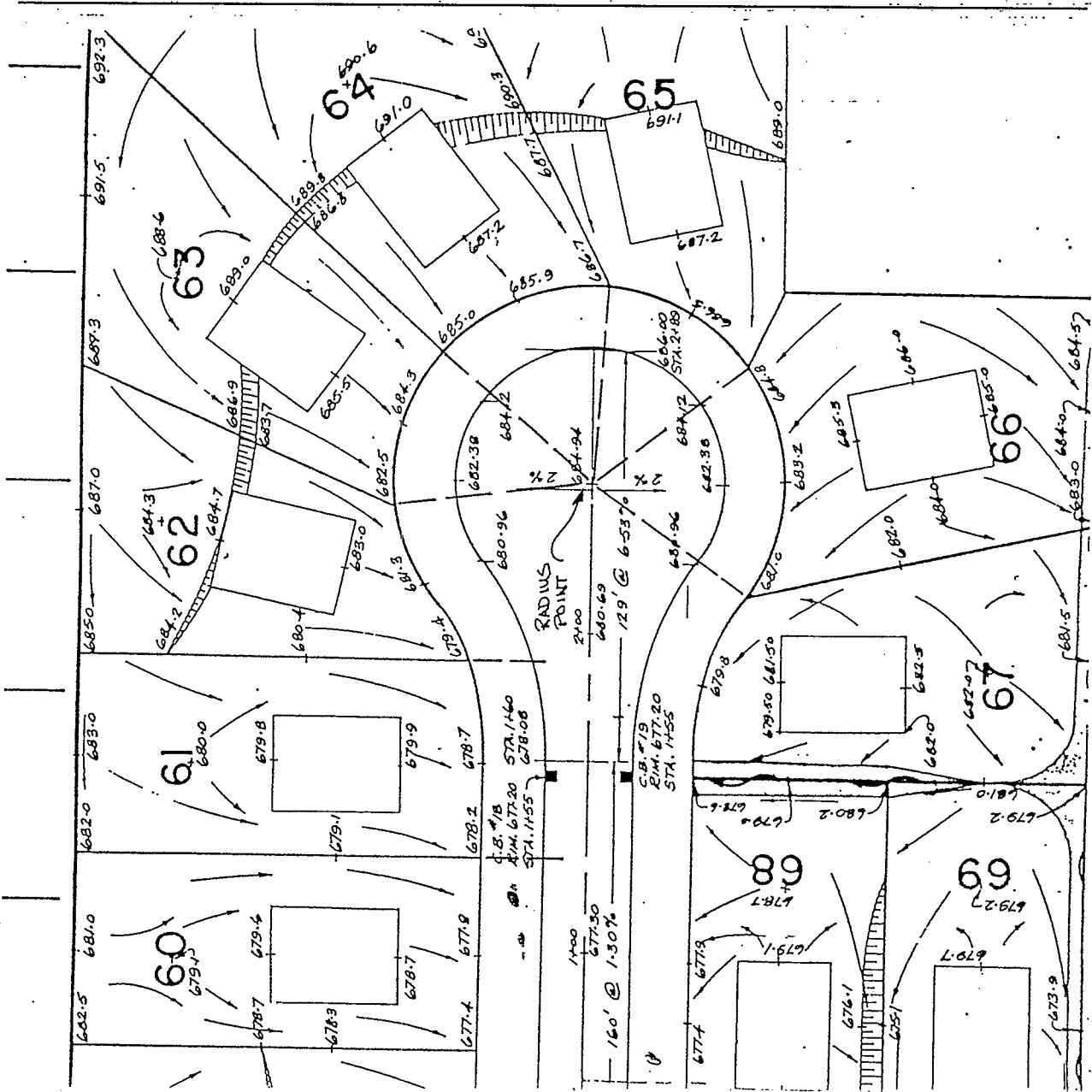
WORKS/04

Department	Name of Policy
Operations Department/Works	Apportionment of Boulevards within Road Allowances to Abutting Private Property

Page 2 of 2

APPROVAL DATE: February 17, 1997

EFFECTIVE DATE: March 1, 1997



DEPARTMENT Operations Department/Works	NAME OF POLICY Closing And Disposal of Municipal Road Allowances
--	--

Approval Date: December 21,1998**Effective Date: December 21, 1998****PURPOSE:**

1. To provide a procedure to administer the closing and disposal of unopened municipal road allowances when requested by members of the public.
2. To provide staff with a method of evaluating the future need for specific unopened road allowances being considered for closure.

POLICY STATEMENT:

It shall be the policy of the Town of Pelham to review all requests from members of the public for closure and stopping up of unopened municipal road allowances in a consistent, timely manner based on the following criteria:

1. Location:
The location of the road allowance will be reviewed with attention paid to ensure that its closing will not landlock any parcels of private land.
2. Avoidance of Dead-ends:
Since good transportation planning avoids the creation of dead-end roads and since at some future time access to a particular property may be necessary, a road allowance closure will generally not be permitted where a future through road may eliminate a dead end situation.
3. Utility Needs:
The Town grants approval to the various utility companies to occupy road allowances with their above ground and underground plant. All requests for road allowance closures would be circulated to these utility companies for comment. The existence of utilities in the road allowances would require the creation of an easement for the utility to occupy.

4. **Avoidance of Creating Isolated Parcels of Publicly Owned Lands:**
To ensure that portions of a road allowance will not become isolated by the closing of an adjacent portion(s) of a road allowance, only contiguous portions of a road allowance will be closed. This will eliminate the need to access publicly owned property by way of private property.
5. **Future Municipal Needs:**
Road allowances requested to be closed will be examined with respect to their need by the Municipality in the context of future urban expansion and growth, in particular for recreational uses.
6. **Other:**
Since each road allowance is different with respect to adjacent conditions, any situation specific to only that particular road allowance and which may influence Council's decision will be included in the review.

To commence the formal review process as noted above will require the payment of a \$1,000.00 fee from the applicant. This fee would be used to offset administrative time spent by staff reviewing the application, field inspection, utility co-ordination and report preparation.

Prior to commencing the formal review process, it is expected that staff would meet informally with a prospective applicant to review policy, fees, etc. so as to provide the applicant with all relevant information necessary to proceed on an informed basis.

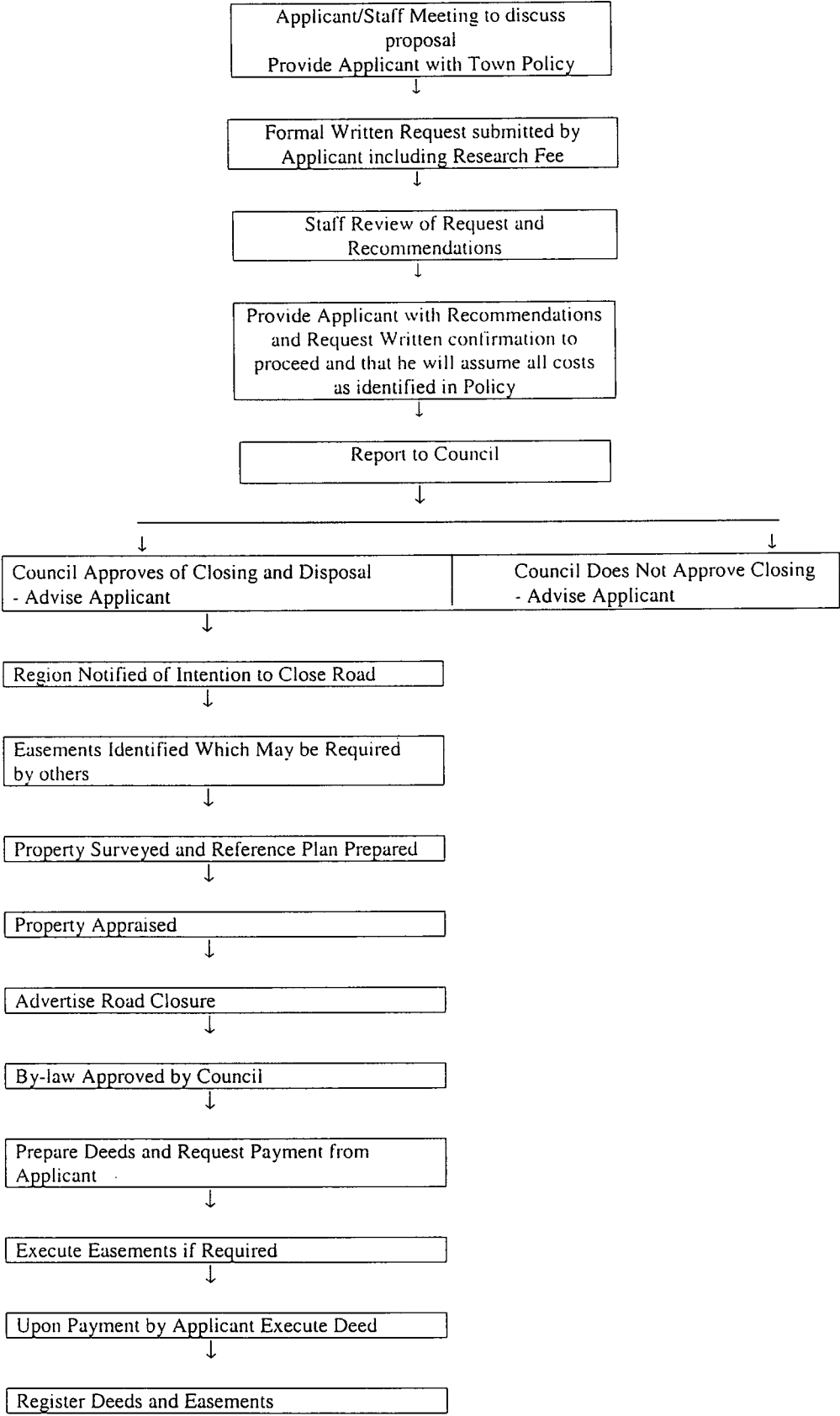
Upon the completion of a favourable review for the closure and disposal of the road allowance, an appraisal will be conducted by a certified real estate appraiser to determine the current market value of the road allowance. The benefiting parties will be responsible for all legal and advertising costs, as well as the appraised property value. These costs will be assessed on a prorated basis, based on the area of the road allowance to be acquired by the applicants.

All requests for closure and stopping up of unopened municipal road allowances shall be subject to a fee as determined by Council from time to time.

Where Council agrees to the stopping up and closure of an unopened road allowance, adjacent/abutting property owners shall have first right of refusal to acquire one half of the unopened road allowance immediately abutting their lands and shall be assessed prorated closure costs per Section 300 of the Municipal Act.

Further, all unopened road allowance lands shall be disposed of at prevailing market value unless otherwise directed by the Council of the Town of Pelham.

ROAD ALLOWANCE CLOSURE AND CONYENANCE
FLOW CHART



Closing and Disposal of Municipal Road Allowances

<u>Job Title</u>	<u>Work Steps</u>
1. Applicant/DO	Meets to discuss proposal. Staff provides applicant with Town Policy
2. Applicant	Submits formal written request, including research fee
3. DFS	Posts fee to G.L. Account # 0-300-170-1117
4. DO	Reviews request and recommendations
5. DO	Provides applicant with recommendations. Requests written confirmation to proceed and that applicant will assume all costs as identified in policy
6. DO	Prepares report to Council
7. Council	Approves/disapproves closing and disposal
8. Sec	Advises Applicant of decision
9. Clrk	Notifies Region of intention to close road
10. DO	Identifies easements which may be required by others
11. DO	Arranges with OLS for legal survey and reference plan
12. DO	Arranges for property appraisal by qualified land appraiser
13. CAO/Clerk	Advertises road closure
14. Council	Approves By-law
15. SOL/CAO	Prepares deeds and request payment from applicant
16. SOL/CAO	Executes easements as required
17. BPO	Pay closure and land costs
18. SOL	Executes deed
19. SOL	Registers deeds and easements

DEPARTMENT	NAME OF POLICY
Operations Department/Works	Drainage Apportionment Agreement Fee

Approval Date: June 1998**Effective Date: June 1998****POLICY STATEMENT:**

The following policy shall govern the preparation and re-apportionment of drainage lands following a severance.

Purpose:

To set out a procedure for reapportionment of municipal drain maintenance assessments necessitated by severing of lands within a municipal drain watershed area in order to maintain a current maintenance assessment database for each designated municipal drain within the Town of Pelham.

See Work Step Procedure #Works/06

Drainage Apportionment (Municipal Drains)

Job Title	Work Steps
1. DO	Reviews proposed severance applications circulated by the Planning Department.
2. DO	When severance falls within a municipal drain watershed will request that severance approval be subject to condition that the applicant pay a fee as set by Council to offset the cost of revising drain assessment database to reflect the apportionment of drainage assessment between or among the proposed new severed lands and remnant parcel.
3. DP	Forwards drainage apportionment condition to Land Division Committee.
4. Sec	Receives copy of Land Division decision and holds in pending file.
5. Applicant	Subsequent to Land Division Committee decision contacts Operations Department to satisfy drainage assessment apportionment condition of severance. Pays fee as set by Council from time to time.
6. DFS	Posts fee to G.L. account 0-300-189-1251
8. Sec	For municipal drain done under auspices of an Engineer since January 1 st , 1995: Send surveyors plan to Engineering firm with instruction to update Drain Assessment Database. Otherwise, updates relevant drain assessment database.

Schedule A

NOTICE – INTENDED DRAIN MAINTENANCE

Dear Property Owner

Since the last repair of the _____ Drain in _____ sediment build-up, weed and brush growth and bank slippage have gradually been taking place and now there is a noticeable effect on the free flow of water in the drain.

Various areas of the drain show evidence of these conditions more so than others and in keeping with the drainage maintenance program established by the Municipality it is determined that some degree of maintenance should be carried out this year to keep the drain in good repair.

By carrying out repairs as necessary before conditions become extremely serious the satisfactory operation of the drain will be maintained while keeping costs at a minimum.

Repair of the drain at this time will involve operating equipment along the entire length to carry out brushing and excavation at locations wherever necessary to return the drain to its original condition.

Property owners directly along the drain where work will take place will be contracted prior to the work to discuss various details of the drain repair on their property.

It has been several years since the last repair of the drain was carried out and it is anticipated that maintenance this year will keep the drain functioning efficiently for several more years at reasonable costs to the landowners.

Please contact the Drainage Superintendent at the Municipal Office (892-2607) to discuss any concerns you may have with respect to the repair of the drain.

Total Estimated Cost of Maintenance \$ _____

%age of Cost Assessed to Your Property _____%

Estimated Agricultural Grant Applicable \$

Net Estimated Cost of Your Property After
Deducting Applicable Agricultural Grant \$ _____

THIS IS NOTICE OF ESTIMATED COST ONLY – THIS IS NOT A BILL. DO NOT PAY THE AMOUNT SHOWN – FINAL BILLING WILL BE DONE ON COMPLETION OF WORK.

Schedule B

**NOTICE TO OWNERS OF PROPERTY DIRECTLY ON OR ADJACENT TO MUNICIPAL DRAINS
WHERE PROPOSED MAINTENANCE WORK IS TO BE CARRIED OUT**

Notices of maintenance were recently sent to all property owners affected by drain repairs to be carried out on or along the _____ Drain this year. Your property is directly on or adjacent to the drain where work will take place and attached is a construction agreement form to detail the work completed.

Please indicate on the attached form any concerns you might have before returning the form to the Municipal Office at 20 Pelham Town Square, Fonthill, On, L0S 1E0. Location of work, title drain outlets, property markets, etc. should be noted and clearly identified.

Planting of crops should be done to allow access along the drain to carry out the maintenance work with as little inconvenience as possible. Any persons renting the land should be advised of the work to be done.

For additional information or to review this work further please contact the Drainage Superintendent at the Municipal Office at 892-2607.

Schedule C

TOWN OF PELHAM

DRAIN MAINTENANCE AGREEMENT

For _____ Drain
(Please print name of drain)

Owner _____ Roll No. _____
_____ Date _____

Drain maintenance is completed in accordance with the last Engineer’s Report and will involve Brushing, Excavating and Leveling Spoil along the Drain. It is the Municipality’s responsibility to maintain municipal drains and the co-operation of the land owners will greatly assist in keeping costs at a minimum and permit the work to be done with as little inconvenience as possible.

Please note the following:

- 1. Property markers, Drain Outlets etc. should be clearly identified to prevent damage during construction,
- 2. Crops should be kept back a minimum of 20 feet from the drain where work is to take place (leveling of spoil beyond this distance can be done after crops are taken off if necessary)
- 3. Property owners who rent their land should advise tenants of the work being done.
- 4. Access along the drain and in the working space necessary to level spoil may require the removal of brush, trees and fences.
- 5. Owners who remove spoil before leveling is done will be compensated based on the rate equal to the cost of leveling of the balance of the drain.
- 6. Specific instructions, concerns, etc. should be noted below prior to any work being scheduled. Please contact the Town of Pelham Municipal Office at (905)-892-2607 to review concerns etc..

PROGRAM INDICATES APPROXIMATE DRAIN LOCATION ON YOUR PROPERTY AND NOTES ANY PARTICULAR DETAILS ----- X Indicates Location of Work

Best Location for work is ☐ East ☐ West ☐ North ☐ South side of Drain

Details _____

Date: _____ Signature of Owner _____

Copies – White Return-/-Yellow-Owner -/- Pink-Office

Schedule D
TOWN OF PELHAM

DRAINAGE MAINTENANCE PROGRAM

PROPERTY ROLL # _____

OWNER _____

Maintenance of the _____ Drain has been completed through or adjacent to your property in accordance with the last reviewed Engineer's Report for this drain.

In some cases leveling of spoil adjacent to the drain has not been completed due to crops near the drain. As soon as crops and weather conditions permit this work will be completed.

Billing of costs for the drain maintenance will be sent out after _____. Any costs to complete leveling of spoil will be included in the costs indicated on the bills.

Should you have any concerns or questions regarding the drain maintenance through or adjacent to your property please contact the Town Office before _____.

Town of Pelham
20 Pelham Town Square
Box 400
Fonthill On LOS 1EO

892-2607

Schedule E
NOTICE TO OWNERS OF SEVERED PARCELS

Date _____
Roll # _____

RE: NOTICE TO LANDOWNERS OF SEVERED PARCELS OF LAND IN THE WATERSHED OF A MUNICIPAL DRAIN

Your land is part of an original parcel of land that is assessed on the _____ Municipal Drain in accordance with the Engineering Report of _____ dated _____, 19 _____.

Due to the original land parcel being severed it is necessary to re-apportion the drainage assessments for each severed park of the original parcel. The Drainage Act, R.S.O. 1980 Section 65 provides for the owners of the severed parcels to enter into an agreement for the re-apportionment of the drainage assessments and this agreement can be approved by resolution of Council at no cost to the landowners, however, should the owners of the severed parcels not agree to the sharing of these assessments, it is necessary to appoint an Engineer to do so and the resulting cost shall be borne by the affected landowners.

The attached form, prepared by the Municipality, shows the drainage assessment of the original parcel of land and a suggested breakdown for the sharing of the assessment to each of the severed parcels of land.

You are encouraged to review the breakdown of assessments as shown and to sign the form where indicated and return the completed form to the Municipal Office. Should the form not be signed and returned within 15 days of the date of this notice an Engineer will be appointed by the Municipality to determine the assessments for each of the severed parcels of land.

If further information is required please contact the Drainage Superintendent at the Town of Pelham Municipal Office at 892-2607.

NOTE: - The division of Drainage Assessments for subdivided parcels can be calculated at the time of severance and an agreement reached between owners at this time if it can be attached as a pre-requisite of the severance.

AGREEMENT BETWEEN PROPERTY OWNERS FOR DRAIN
APPORTIONMENT DUE TO LAND SEVERANCE

Agreement between _____ and

- 1) _____
- 2) _____
- 3) _____
- 4) _____

for cost apportionment due to the severance of land in the watershed of the _____ drainage system.

We, the parties to this agreement, do hereby agree that the total cost of the apportionment being _____ % on the _____ Drain is hereby divided from the original property known municipally as

Roll # _____

Roll # _____

Roll # _____

Roll # _____

AGREEMENT BETWEEN PROPERTY OWNERS FOR DRAIN
APPORTIONMENT DUE TO LAND SEVERANCE

The shared apportionment's equal the total of the original cost and we hereby petition the Council of the Town of Pelham to fix these new apportionment's by resolution and we attest to this agreement by signing our names as the proper owners of the lands described.

On completion of this agreement and the passing of the resolution of Council the Municipal records will be amended to agree with the above and a copy of this agreement will be filed with the records of the Municipality.

Roll # _____ Signature _____

Date _____ Signature _____ Witness _____

Roll # _____ Signature _____

Date _____ Signature _____ Witness _____

Roll # _____ Signature _____

Date _____ Signature _____ Witness _____

Roll # _____ Signature _____

Date _____ Signature _____ Witness _____

**RELEASE OF LIABILITY RESPECTING INSPECTIONS
PERFORMED UNDER THE TILE DRAINAGE INSPECTION POLICY
OF THE TOWN OF PELHAM**

The undersigned acknowledges that:

1. The Corporation of the Town of Pelham offers an inspection service upon request of farmers, in accordance with the Town's Tile Drainage Inspection Policy respecting installation of tile drainage work on farms.
2. Such inspections are intended to assist the farmer but are made on the clear understanding that the farmer shall not be entitled to rely upon any inspection or any advice, information or understanding secured by him, in relation thereto, or any failure or negligence relating thereto, so as to create any legal claim or right of action against the Inspector or the Corporation of the Town of Pelham.
3. Such inspections when provided do not give to the farmer any guarantee whatsoever by the inspector or the Town of Pelham as to the viability or the quality of the system or any part thereof or its' installation or its' function and neither the Inspector nor the Corporation of the Town of Pelham assumes any responsibility whatsoever for any failure of the system.
4. The undersigned farmer hereby releases and discharges the Town's Inspector and the Corporation of the Town of Pelham from any and all negligence or other liability whatsoever arising, or which may arise, out of any inspection or the failure to perform an inspection or out of any information, advice or understanding, given to or received by the farm respecting the same or as to the viability or the quality and the undersigned further hereby agrees that the provisions of this release may be pleaded as a full and complete defence to any such action brought by the farmer.

Dated at this day of , 19 .

Signature

Schedule H
TOWN OF PELHAM

SURFACE DRAINAGE AFFECTS OF TILE DRAIN INSTALLATIONS

In many instances where tile drainage systems have been installed, the fields have been leveled to provide better working conditions. The leveling has in many cases caused natural drainage areas (i.e. swales, low areas and natural watercourses) to be filled in. Should this low area that was filled in be a source of outlet for water from neighbouring lands then a serious problem has been created.

The Common Law of Drainage states that if any person makes any changes in the natural flow of the defined stream and thus causes injury to other lands, he can be liable for the damage caused.

With this fact in mind it is the intention of the Corporation of the Town of Pelham to establish the following suggestions for any person installing tile drainage system:

- 1. Any work done in relation to installing tile drain systems should not alter or restrict the natural flow of drainage in defined channels from neighbouring lands.
- 2. Assurance should be given to neighbouring owners that their flow of surface water through natural watercourses will not be harmfully affected by the installation of tile drainage systems.

It shall be a requirement of the Town of Pelham before any tile drain loan is approved that the person installing the tile drain system will sign a statement indicating that he is aware that a natural watercourse cannot be blocked and if he does so is liable for any damage resulting because of this.

This statement will provide some degree of protection for all concerned should problems arise due to the installation of a tile drain system that has caused a natural drainage area to be harmfully affected.

.....

IT IS UNDERSTOOD AND AGREED THAT ANY DAMAGE CAUSED BECAUSE OF THE INSTALLATION OF A TILE DRAINAGE SYSTEM ON MY PROPERTY WHICH HAS ALTERED OR BLOCKED A NATURAL FLOW OF WATER FROM ADJACENT PROPERTIES SHALL BECOME MY LIABILITY. (IN ACCORDANCE WITH COMMON LAW OF DRAINAGE).

Description of Property to be tile drained: _____

Signature of Owner: _____

Date: _____

DEPARTMENT	NAME OF POLICY
Operations Department/Works	Drainage Apportionment Agreement Fee

Approval Date: December 21,1998Effective Date: December 21, 1998

PURPOSE:
To set out a procedure for reapportionment of municipal drain maintenance assessments necessitated by severing of lands within a municipal drain watershed area in order to maintain a current maintenance assessment database for each designated municipal drain within the Town of Pelham.

POLICY STATEMENT:

The following policy shall govern the preparation and re-apportionment of drainage lands following a severance.

Any individual(s) making application for consent to sever a parcel of lands lying within an established Municipal Drain watershed within the Town of Pelham shall be required, as a condition of consent, to pay to the Town a fee in the amount set by Council to offset costs incurred by the Town to re-apportion the drainage maintenance assessment against the parcel among the parts into which it is divided in accordance with the provision of Section 65, Drainage Act RSO 1990, Ch.D.17

Department WORKS	Name of Policy Construction of Driveway Entrances for Proposed Infilling Lots and Existing Vacant Lots
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APPROVAL DATE: December 21, 1992

Reaffirmed by Council March 5, 2001

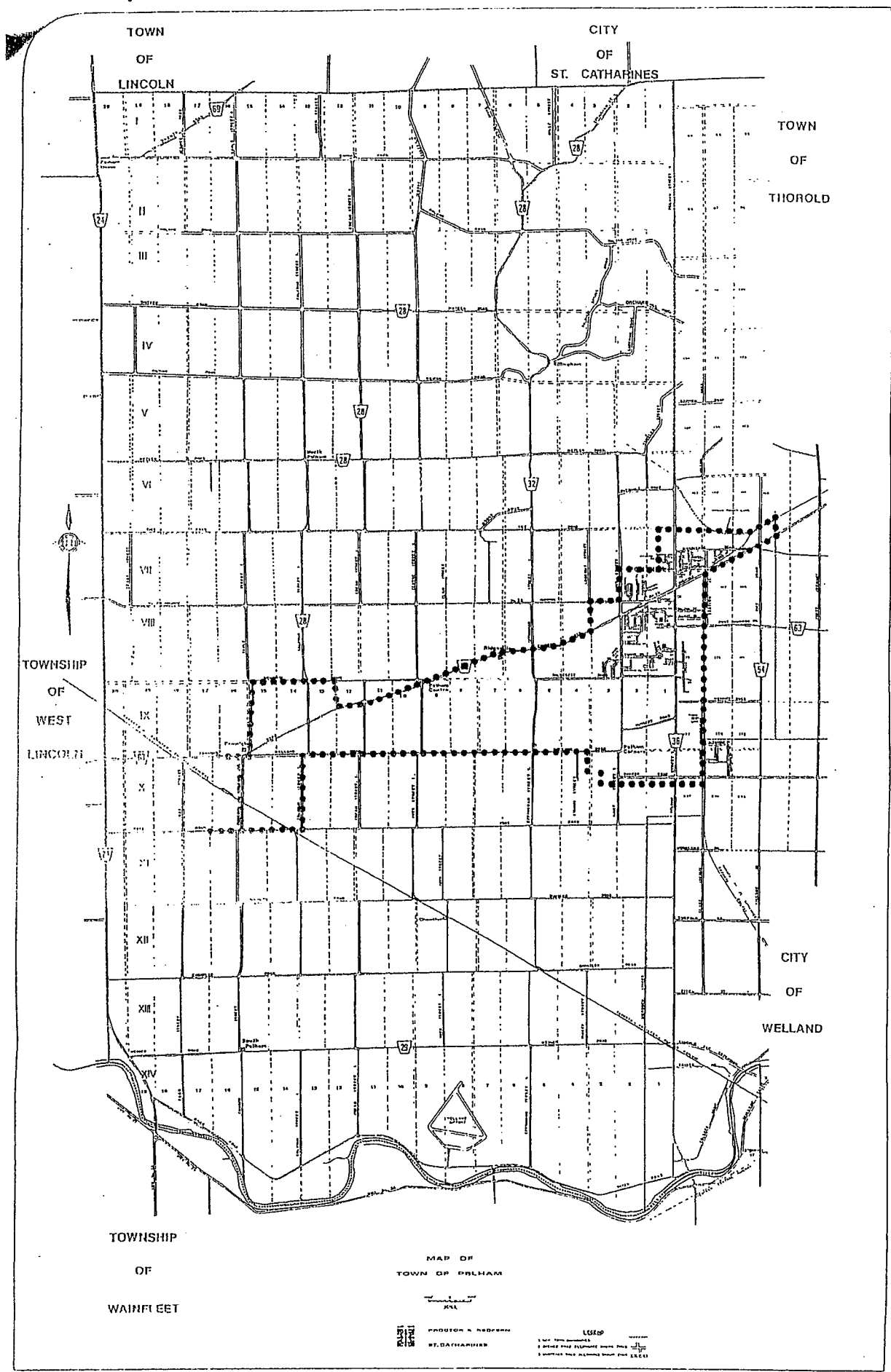
POLICY STATEMENT:

The areas to be governed by this policy will be all lands within the urban boundaries of Fonthill and all lands within the urban service area of Fenwick including Sunset Drive, Memorial Drive from Sunset Drive to Maple Street, Maple Street from Memorial Drive south to the limit of the service area, Balfour Street from Welland Road to Foss Road and Foss Road from Balfour Street west to the east limit of the service area. (See Schedule “A” attached).

Also to be included would be new construction between Fenwick and Fonthill bounded by Canboro Road on the north and Welland Road on the south. This policy would apply to new construction on both sides of Canboro Road and Welland Road.

All new structure construction within these boundaries would, as a minimum, require that the driveways from the travelled portion of the road to the lot line for the full width of the driveway be excavated and a 200mm compacted thickness of granular “A” material placed and capped with a 50mm compacted thickness of hot mix asphalt. Alternate surfaces such as interlocking brock or concrete could be substituted.

To ensure compliance with this requirement a \$500.00 deposit will be taken at the time of the issuance of a building permit. The owner/builder will be allowed 6 months from the date of the building inspectors’ final inspection to construct the driveway entrance after completion of which the deposit would be returned. If the entrance is not constructed within this period the Town may engage a contractor to complete the driveway. The deposit noted above would be used to construct the entrance and any part of the deposit remaining after construction and administration costs would be refunded.



SCHEDULE A
PAVED DRIVEWAY ENTRANCES REQUIRED WITHIN THIS AREA

Department	Name of Policy
OPERATIONS DEPARTMENT/Works	Road Occupation Permit Control

APPROVAL DATE: February 19, 2001

POLICY STATEMENT:

The occupation within a municipal road allowance by any person, utility company or contractor or any other person for the purpose of open cut excavation work, boring work, demolition/renovation work or any other type of construction activity that will cause any portion of a municipal road allowance to be temporarily occupied, will require a permit from the Town of Pelham authorizing such temporary occupation and setting out conditions thereto.

DEFINITIONS:

- 1.01

Applicant:

Any person, utility company, contracting company or any other entity (organization) requiring approval to temporarily occupy a municipal road allowance to undertake any works.
- 1.02

Corporation

The Corporation of the Town of Pelham
- 1.03

Director:

Director of Operations
- 1.04

Municipal Road Allowance

Include any road, highway or road allowance within the jurisdiction of the Corporation
- 1.05

Works:

Any construction, renovation, demolition or undertaking in connection with any of these activities

PURPOSE:

Individuals, contractors, utility companies and other like groups routinely require space within municipal road allowances to undertake works within or adjacent to a municipal road allowance (on a temporary basis). The temporary occupation of a municipal road allowance by any one other than a Corporation employee(s) imposes liability on the Corporation especially to the extent that such occupation involves unsafe working conditions and/or procedures that could pose increased levels of risk to the traveling public. In order to ensure that such risk is minimized and that areas of municipal road allowances disturbed by such temporary occupations are properly restored to their original condition, the Corporation controls any temporary occupation of a municipal road allowance through issuance of a Road Occupation Permit. (Accordingly, any individual, contractor, utility company or anyone undertaking any work that necessitates the occupation of a municipal road allowance for a temporary period of time (Applicant) shall first make application for a road allowance permit in a format and manner specified by the Director of Operations. A copy of the Permit Application, the Road Occupation Permit and general instructions to Applicants are included as Schedule A to this policy.)

Accordingly, any Applicant shall first make application for a road allowance permit in a format and manner specified by the Director. A copy of the Permit Application, the Road Occupation Permit and general instructions to Applicants are included as Schedule A to this policy.

GENERAL:

- a) Any works involving a temporary closure of a municipal road allowance or any portion thereof shall be accomplished by means of the appropriate by-law and public notification in accordance with the requirements of Subsection 43 of Section 207 of the Municipal Act, Chapter M.45, as amended
- b) All permits for the occupation of a municipal road allowance shall be conditional upon the Applicant obtaining property and liability insurance in the amount of \$5,000,000 co-naming the Corporation, its employees, agents and servants as additional insured parties and provide an Indemnification in writing, satisfactory to the Corporation, indemnifying and saving the Corporation harmless from any liability, action, cause of action, expense or otherwise arising of the use or occupation of the municipal road allowance by the Application and its employees, agents, officers and subcontractors.
- c) The Corporation may require a cash deposit sufficient to defray the estimated cost of signing, barricading, advertising, or any other action required on the part of the Corporation in connection with the occupancy or to ensure the compliance by the Applicant of the provisions of the permit.

- d) Where an Applicant is unable to satisfy the requirements of this policy, exemption for such requirements must receive approval from the Director who will consider each application on its own merits.
- e) The Director will monitor every permitted municipal road allowance occupation and will maintain on file the Applicant's overall performance in context of the Applicant's compliance with the permit conditions.

TOWN OF PELHAM WORK STEP PROCEDURE

WORKS/08

Page 1 of 2

Department: Operations

Effective Date: February 19, 2001

Procedure Name: Road Occupation Permit Control

Purpose: Issuing and control of Road Occupation Permit Control

ABBREVIATIONS:

- | | | | |
|----|--------------------|---|---|
| 1. | Director/Designate | - | Director of Operations or his designate |
| 2 | O.S. | - | Operations Secretary |
| 3 | O&TSC | - | Operations & Technical Services Coordinator |
| 4 | R&IF | - | Roads & Infrastructure Foreman |

PROCEDURES:

Job Title	Work Steps
(1) Applicant	In person or by letter requests permit application form.
(2) O.S.	Forwards or provides a copy of permit application and instructions to Applicant.
(3) Applicant	Completes application form, attaches a detailed sketch or plan and returns to the Operations Department together with certificate of insurance and statement holding the Town of Pelham harmless from any liability arising out of the temporary occupation of a municipal road allowance..
(3) O&TSC	Reviews application to ensure works are in accordance with Municipal policies and procedures. Potential conflicts with other planned activities will also be investigated. Recommend approval and associated conditions or non-approval to Director.
(4) O. S.	Prepares permit to reflect recommended conditions of approval and forwards to Director for signing. Alternatively advises Applicant that application was not approved with reasons why.
(5) Director/or Designate	Signs permit and returns to Secretary



TOWN OF PELHAM POLICY MANUAL

WORKS/09

Department	Name of Policy
Operations Department/Works	Access to Private Property from Municipally-Owned Public Lands

Page 1 of 3

APPROVAL DATE: October 18, 2004

PURPOSE:

To regulate access by individuals and contractors on municipally-owned public lands including, but not necessarily limited to, parks, walkways, unopened road allowances and storm water detention ponds for the purpose of construction type activities on adjacent private lands.

DEFINITIONS:

Commencement Date:	The first day of activities involving municipal property.
Completion Date:	The date when final restoration of any damaged municipal property is restored to its former condition.
Construction Related Activities:	Activities including new construction, relocation, demolition and restoration.
Director of Operations:	Means the Director of Operations for the Town.
Public Lands:	Lands owned by the Town, including parks, trails, storm water detention ponds and unopened road allowances.
Restoration:	Recreate to original or better condition prior to use for access purposes.

POLICY STATEMENT:

It will be the policy of the Town of Pelham to permit access through municipally-owned lands when requested in the appropriate format. The policy will relate only to construction related activities. Approval for access will be by way of a permit issued by the Director of Operations. Such permit shall be subject to certain conditions as follows:



TOWN OF PELHAM POLICY MANUAL

WORKS/09

Department Operations Department/Works	Name of Policy Access to Private Property from Municipally-Owned Public Lands
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Page 2 of 3

APPROVAL DATE: October 18, 2004

- (1) Provision by the proponent of a damage deposit (cash or certified cheque) in the amount of \$1,000, refundable without interest upon restoration satisfactory to the Town of all public lands which may be disturbed or damaged during access activities.
- (2) The damage deposit will be refunded one (1) month after the completion of restoration (i.e. completion date) to ensure that no settlements have occurred and that any new sod is growing vigorously. Restoration completed after October 31 in any year will receive final inspection on May 15 of the following year at which time the deposit will be refunded, provided restoration is satisfactory. In the event the proponent fails to satisfactorily restore any disturbed or damaged public lands used for access purposes prior to the end of the prescribed completion date, the Town will undertake necessary restoration and pay for the cost of same from the proponent's damage deposit. Upon completion of the restoration by the Town, unused damage deposit funds (if any) will be returned to the proponent. Interest on any refunded damage deposit will not be paid.
- (3) As appropriate, the public lands damage deposit may be integrated with any damage deposit imposed as a condition of the issuance of a building permit, provided a total damage deposit of \$1,000 is provided to the Town.
- (4) Review and inspection fee in the amount of \$200 (non refundable) to allow for a staff review of the application, pre-access photographs, periodic inspections during access activities to ensure compliance with the policy conditions and a post-access inspection and photographs.
- (5) Provision by the proponent of a copy of his/her certificate of public liability insurance in the amount of at least \$1,000,000. with the inclusion of the Town as an additional insured for the purpose of access.



TOWN OF PELHAM POLICY MANUAL

WORKS/09

Department	Name of Policy
Operations Department/Works	Access to Private Property from Municipally-Owned Public Lands

Page 3 of 3

APPROVAL DATE: October 18, 2004

- (6) Provision of a detailed schedule by the proponent noting commencement and completion dates including final restoration of all disturbed public lands. Access will not be granted for a period exceeding one (1) month. Access will not be permitted on weekends or holidays or before 7:00 a.m. or after 6:00 p.m.
- (7) Provision by the proponent of a complete list of all contractors to be involved in using public lands for access as well as specific equipment (make and model) involved in the project.
- (8) A dimensioned sketch is to be provided illustrating the area to be used for access. Access will not be permitted across playing fields or within three (3) metres of the edge of a playing field or playground border. Construction equipment will not be permitted within the dripline of any trees planted on public lands.
- (9) All restoration of damaged grass areas will be with sod.
- (10) Storage of construction materials, equipment or debris will not be permitted on public lands or the adjacent road allowance.
- (11) Temporary restoration of disturbed public lands must be completed prior to the end of each work day by grading and filling all ruts and bumps caused by the access activities.
- (12) The access area must be delineated during the work day by orange safety cones (900 mm high) spaced no more than five (5) metres apart.