



## **PUBLIC WORKS AND ENGINEERING**

### ***Staff Report***

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REPORT NO:                      PWE-2022-36

TO:                                      Council

SUBMITTED BY:                Jeff Molenhuis, P. Eng., Director of Public Works & Engineering

PREPARED BY:                Bryan Bishop, C.E.T., Manager of Engineering  
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REVIEWED BY:                Sharon Chambers, CAO

DATE:                                September 26, 2022

SUBJECT:                         Right of Way Work Permit Bylaw

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#### **RECOMMENDATION:**

THAT Report PWE 2022-36, regarding the Right-of-Way Work Permit By-Law be received for information purposes; and

THAT the Right-of-Way Permit By-law, as attached on this agenda, be approved.

#### **SUMMARY:**

Through the Municipal Act, municipalities have the authority to manage work taking place within their Rights of Way. This report outlines the purpose of the Right of Way Work Permit (ROWWP) By-Law, as well as enforcement requirements. It is anticipated that the benefits of this proposed by-law will lead to a streamlined and transparent ROWWP process as well as a more robust enforcement authority for those in contravention of the By-Law. This report addresses the actions recommended to Council.

#### **BACKGROUND:**

The Township of Wilmot owns and is responsible for Township infrastructure within the municipal rights of way. It is the Township's responsibility to ensure that it maintains care and control of its infrastructure; and that any work undertaken by both public and private bodies within the right of way be in the interest of public safety and to protect against damages to Township infrastructure. As such, the by-law was drafted and proposed to meet and ensure those end goals. The permit framework is necessary to provide oversight and authorization for any work completed within the right of way. As well as to track activity and provide approvals, provide infrastructure analysis, ensure safe traffic control and operation on municipal roads and ensure proper restoration of municipal assets.

The current practice for all construction activities and road occupancy within the municipal right of way for companies/agencies/contractors/residents is to obtain a ROWWP through the Public Works and Engineering Department. There is a similar by-law (86-57) that is outdated and will be repealed and replaced with the proposed by-law. The purpose of this new by-law is to provide modern updates from By-law 86-57 and alignment with the requirements of the Municipal Act. This is to ensure the Township's legal enforcement of the Municipal Right of Way through the conditions set out in the permit, and further will ensure Township infrastructure is protected from liability and damages. The permit aligns with similar practices in local area municipalities and ensures compliance with homeowners/contractors/companies/agencies in obtaining the ROWWP and conditions within.

Staff provided notice of the proposed by-law on the Township webpage, social media and in local newspapers inviting residents to review and comment on the proposed changes. Staff did not receive much in the way of feedback for this by-law. There were two (2) respondents who provided feedback related to Emergency Works and how this bylaw would affect response times for emergency works on third party infrastructure. There is a provision for emergency work within this bylaw. This proposed by-law complies with current by-laws, aligns with area municipalities, the Municipal Act and has been reviewed by the Townships legal counsel.

## REPORT:

To highlight a few of the program elements, the following information is provided. The Work Permit Process will be comprised of the following:

ROWWPs are currently logged digitally to maintain formal records of the permits issued as an essential part of managing liabilities in the event of damage as well as ensuring that restoration of Township assets has been undertaken. The existing work permit process is as follows:

- Complete work permit application form and submit with payment and deposits
- Allow five (5) business days for review and permit processing, ten (10) business days for any road closures or complex project works
- Provide to the Township at minimum, a sketch illustrating the planned work area/zone, traffic management plan in compliance with the Ontario Traffic Manual, Accessibility for Ontarians with Disabilities Act and the Ontario Health and Safety Act
- Submit insurance and WSIB documentation as required with the application for review. Include the approved Municipal Consent (if applicable).

This is a current process being run by staff, as they have been for the past number of years. Updating the work permit bylaw is not proposed to change this process, but to allow for by-law support.

The general enforcement practices will consist of attempts to ensure compliance first. If private contractors, homeowners or other companies are occupying or completing construction activities within the municipal right of way without a permit they will be asked to comply. Depending on the severity of the work and previous history of non-compliance staff will use best practices to enforce fines and ensure compliance is met.

### **Survey of Area Municipalities:**

Currently the Cities of Waterloo, Kitchener, and Cambridge, as well as the Region of Waterloo, Township of North Dumfries, Wellesley and Woolwich have processes and permitting requirements.

### **Adoption of the proposed By-Law:**

Staff are anticipating reporting back to council in the fourth quarter to address any comments or concerns and see adoption of this proposed by-law.

### **ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

This report supports the goals and strategies of:

- Responsible Governance through Active Communications and Service Reviews

### **ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:**

- Goal 9: Industry, Innovation and infrastructure
- Goal 11: Sustainable Cities and Communities

### **FINANCIAL CONSIDERATIONS:**

ROWWP fees are currently applied to applicants (contractors, agencies, developers, homeowners, companies), and the fee recovers staff time during review, reiteration and enquires, approval, inspections and the release of security deposits for the applicants. The fees are approved under the Township Fees and Charges By-Law.

### **ATTACHMENTS:**

Schedule "A" – Draft Proposed Right of Way Work Permit By-law

Schedule "B" – Right of Way Work Permit Form