



Municipal Consent Permit Manual

REQUIREMENTS FOR WORK WITHIN
CITY OF BURLINGTON PROPERTY

City of Burlington
Engineering Services | Right of Way Management
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1.0 Introduction

This Municipal Consent Permit Manual applies to all Applicants, proposing to do work within the City's Right-of-Way. As the circumstances require, it also applies to other City property. For example, when equipment crosses City property for construction on private property or a crane swing over City property other than the City's Right-of-Way.

Adherence to these requirements is intended to protect the interests of the City, the community, Halton Region, utility companies, commissions, agencies or private entities occupying the Right-of-Way. These objectives must be considered during the planning, design, and when conducting all work proposed within Rights-of-Way owned and maintained by the City.

The City emphasizes the importance of coordination among Halton Region, utility companies, commissions, agencies or private entities, and the City to protect existing and proposed infrastructure, and to achieve optimal strategic placement of new installations in a way that allows for future work. City staff may require justification for proposed design and placement locations. Locations selected solely for economic, or convenience purposes may not be acceptable.

This Municipal Consent Permit Manual, together with the City of Burlington Municipal Consent By-Law, establishes the general requirements for municipal consent applications. Each application is reviewed by City staff on a site-by-site basis. As a result, approval conditions may be amended, and or supplemented based on City staff's review.

Engineering Services issues permits for any work within the City-owned Right-of-Way, including the travelled portion of the Right-of Way, sidewalks, and boulevards. This applies to activities such as utility installations, Right-of-Way construction, and other related work. This includes any occupation of the Right-of-Way lasting more than five days, or for a shorter duration where deemed warranted.

A permit may be required whenever the Applicant's proposed work includes:

- performing maintenance to existing plant
- installing new plant
- making additions or upgrades/alterations to existing plant
- excavating, directional boring and/or drilling within the Right-of-Way

Please note there is a list of definitions at the end of this document.

1.1 Priority in case of Conflict

If there is a conflict between this Manual and a Municipal Consent Permit or an agreement with the City regulating work within the Right-of-Way, the Municipal Consent Permit or the agreement applies to the work.

1.2 Partnerships, etc.

The City operates within a two-tier municipal structure. Some Rights-of-Way within the City are under the jurisdiction of the Regional Municipality of Halton.

See the Regional Municipality of Halton Regional Road Network Map for the appropriate designations.

Additionally, the City has working partnerships with the following agencies:

- Conservation Authorities
- Ministry of Transportation of Ontario (MTO)
- Niagara Escarpment Commission (NEC)
- Utility Companies (Burlington Hydro, Enbridge Gas, Trans Northern Pipeline)
- Telecommunications Companies

In addition to the specifications set out in this Municipal Consent Permit Manual, Applicants should be familiar with these agencies' standards, specifications, and conditions for work.

1.3 Utility Installations

All utility installations within the City Right-of-Way shall be designed and constructed in accordance with the Guidelines for Utility Installations in the City Right-of-Way, attached as Appendix B.

1.4 Identification of Planned Work

Applications will be checked against the list of planned capital projects submitted to the Burlington Joint Utilities Committee. For proposed work that is anticipated to cause a major disruption but was not identified on the list of planned capital projects, the Applicant may be required to submit an explanation of why the project was not identified at the time the list was prepared before their application is processed.

1.5 Private Property

Municipal Consent Permits are issued only for work within the City owned Right-of-Way. The City will not grant permits for work proposed on private property.

1.6 Emergency Permits

The requirements and process for emergency work shall apply to work requiring a new excavation and be limited to the repairs or actions required in response to a failure of, or damage to, existing plant that results in, or has the potential to result in, danger to the public, a loss of an essential service, and/or damage to infrastructure or other utility plant.

When emergency work is undertaken, the Applicant shall:

- Call 911 if EMS or police assistance are needed.
- Notify Engineering Services within 48 hours at engpermitrequests@burlington.ca.
- Apply for a Municipal Consent Permit as soon as possible.
- Only complete the work necessary to deal with the emergency.

2.0 Permit Application - General

2.1 Conditions of Permit Application

By submitting an Application to perform work within the City owned Right-of-Way, the Applicant agrees to the conditions set out in Part 5 of the Municipal Consent By-law including to:

- Indemnify, defend and save harmless the City, including its elected and appointed officials, officers, employees, agents and contractors from and against any and all third-party claims or losses that the City may suffer or incur resulting from:
 - (a) the Applicant's or its employees, agents or contractors' performance of any work within the Right-of-Way and the operation or use of any equipment by the Applicant or any other person;
 - (b) the City undertaking any activity within the Right-of-Way which is ancillary to the Applicant's work;
 - (c) the Applicant or its employees, agents or contractors providing inaccurate locates of the Applicant's plant, or construction of plant in a location other than as approved by the City; and
 - (d) the Applicant or its any its employees, agents or contractors contravening the Municipal Consent Permit or the Municipal Consent Permit By-law.
- Conform to and comply with all applicable laws and regulations.
- Perform all work in accordance with any legislated or negotiated agreements, such as Municipal Access Agreements, applicable by-laws, the City of Burlington Standard Specifications, the permit, and this Municipal Consent Permit Manual.
- Pay any applicable administration and Inspection fees.

Before the permit is issued, the Applicant must provide proof of all required Regional, City or other applicable agency approvals.

2.2 Permit Duration

A municipal consent permit expires,

1. on the date the work is completed or as set out in the permit, whichever comes first; or
2. on notice of revocation by the Director.

2.3 Extension of Permits

Permit extensions may be granted under certain circumstances. Any request for extension must be submitted to City staff before the expiry of the existing permit. Only one extension may be granted for any permit.

Extension approval may be given by City staff based on:

- a review of the proposed work.
- the progress of the work up to the date of the extension request.
- the performance of the Applicant and their contractors during the period of the existing permit.
- a review of any potential conflict with other planned or ongoing work which may be affected by the requested extension.
- the safety and convenience of the public.
- anything else City staff deems applicable and appropriate.

Extension requests will not be accepted if submitted after the permit has expired. The Applicant must submit a new application in accordance with the requirements of this Municipal Consent Permit Manual, including but not limited to updated circulations, signoffs, and notifications.

Documentation from previous applications will not be accepted.

2.4 Moratorium on Recently Improved Rights-of-Way

To ensure the long-term sustainability of the City's infrastructure, the City enforces a moratorium of 10 years on all newly improved Rights-of-Way.

The moratorium applies to the enhancement, maintenance, repair or replacement of existing plant and construction of new plant which may undermine the integrity of the newly improved Right-of-Way infrastructure. Unless otherwise stated the moratorium applies to the entire Right-of-Way, from property line to property line.

2.4.1 Exceptions

Under certain circumstances, such as emergency work, or work identified by City staff, as being necessary to ensure public safety, an exception to the moratorium may be made. Exceptions may be made by City staff, provided that the Applicant has investigated and evaluated all other options and can demonstrate that they are not feasible or practical.

When exceptions are granted, the Applicant shall exhaust all trenchless methods available to minimize the size and number of cuts within the moratorium area. The City, acting reasonably, may require more extensive site restoration than would normally be expected, at the Applicant's expense, to mitigate public inconvenience and the premature degradation of the structure and aesthetics of newly improved Rights-of-Way.

2.5 Alignment

Wherever possible, installation of plant should follow the alignments shown in the standard Right-of-Way cross sections in City of Burlington Standard Drawings S-18, S-18A, S-117, and S-117A, as amended.

If any plant is proposed near a property line, City staff may require the Applicant to have the limits marked by an Ontario Land Surveyor under section 2 of the *Surveys Act* to ensure that the plant is being installed within the Right-of-Way.

City staff may direct the Applicant to propose an alternate alignment if, in their opinion, the proposed alignment is not in the best interests of the efficient and organized usage of the Right-of-Way.

2.6 Work on City-Owned Land Other than the Right-of-Way

Work on City-owned land other than the City-owned Right-of-Way requires the prior approval of the City division that has authority over that land.

Any easement documents or approvals that may be required by City staff for work in these locations shall be submitted with the application.

2.7 Clearance from Other Plant

Horizontal and vertical clearances shall be in compliance with City of Burlington Standard Clearance Guidelines. The indicated clearances are minimums and shall be interpreted to be measured from the outermost edge of the existing plant to the outermost edge of the proposed plant.

Any encasement, steel plating or other non-excavatable material shall be considered to be part of the proposed plant and must meet the required clearance from existing plant.

Exemptions from the minimum clearances may be granted by affected plant owners and City staff jointly. As a minimum, any consideration for exemption will require written consent from the affected plant owners, giving explicit permission to the Applicant to reduce the clearance. To ensure the acceptability of the proposed reduction in clearance, the Applicant may be required to submit a detailed drawing identifying the existing and proposed plant.

2.8 Financial Security

A financial security in the amount of the estimated cost of the completed repair is required with the permit application. The balance of the financial security will be returned, on request, two years after the work has been completed if all conditions of the Municipal Consent Permit are met. Any costs above the financial security amount will be billed to the Applicant.

City staff will review site drawings and determine the financial security based on the anticipated work area in the Right-of-Way. The financial security will be based on current year contract rates for: asphalt milling, excavation, grading, granular, surface/base course asphalt, tack coat, curb and sidewalk.

City staff may deduct the cost of any repair, maintenance, restoration or clean-up from a financial security held by the City, where applicable; and where the cost of a repair, maintenance, restoration or clean-up exceeds the amount of a financial security held by the City, the Applicant shall pay all costs owing to the City within 30 days after receipt of an invoice from the City.

2.8.1 Monitoring Wells

The installation of a monitoring well within the Right-of-Way will result in securities being held until such time as the well has been fully decommissioned and the site restored to the satisfaction of City staff.

2.9 Storm Sewer Connections

Storm sewer connections are subject to the following additional requirements:

- All storm sewer connections are to be inspected by a City inspector before the excavation is backfilled.
- Storm connections shall adhere to City of Burlington Standard Specifications (Section C) and Standard Drawing S-183, Residential Storm Connection, as amended.
- Connections to be made using factory made tees, Kor-N-Tee, Instera Tee, or another pre-approved equivalent.
- CCTV must be submitted and reviewed by City staff before the release of a financial security.
- City staff reserve the right to require CCTV Video for any storm sewer pipes or catch basin leads in the path of any trenchless work performed.
- Storm sewer pipe material to be concrete or PVC plastic (SDR-28 or SDR-35).

2.10 Crane Swing Permits

Where proposed work requires a crane boom or counterweight to swing over the City's Right-of-Way, the Applicant shall obtain a Crane Swing Permit prior to commencing work. The City's issuance of a Crane Swing Permit authorizes only the temporary use of the Right-of-Way for the swing of a crane boom and/or counterweight.

2.10.1 Stamped Engineering Drawings

The Applicant shall submit drawings stamped by a Professional Engineer licensed in the Province of Ontario. Drawings shall include:

- A plan view showing the full radius of the boom swing and counterweight swing, including:
 - All property lines, curb lines, sidewalks, and street names clearly labeled;
 - The crane base location;
 - The outline of the proposed building;
 - All existing overhead infrastructure within the swing zone, including utility lines, streetlights, and overhead protection; and
 - Any overhead protection or exclusion zones identified.
- Cross-section drawings with foundation base and counterweight details.

2.10.2 Traffic and Pedestrian Management

The Applicant shall submit a traffic and pedestrian management plan in accordance with Section 3.7 of this Manual. The plan shall additionally include:

- A swing exclusion plan identifying all public space to be restricted during active crane operations, including road lanes, sidewalks, and boulevards; and
- Confirmation that paid duty officers will be on site during any lifts over the travelled portion of the Right-of-Way.

2.10.3 Regulatory Compliance Confirmation

The Applicant shall submit a signed undertaking confirming that:

- All crane operations will comply with the *Occupational Health and Safety Act*, all applicable Ontario Regulations, and all applicable CSA standards;
- The crane owner does and will continue to maintain a logbook documenting all crane inspections, tests and maintenance as required under s. 152(1) of Ontario Regulation 213/91 (Construction Projects); and
- All crane operators will hold valid certification as required under s. 150 of Ontario Regulation 213/91 (Construction Projects)

2.11 Artificial Turf

Artificial turf, synthetic grass, or similar non-organic surfacing materials are not permitted within the City owned Right-of-Way unless previously approved by City staff.

3.0 Application Package

3.1 Municipal Consent Permit Application

All Municipal Consent Permit applications shall be submitted through the City of Burlington's online permit application form.

The application form will guide Applicants through all required fields, including a description of the proposed work and construction methodology, affected Right-of-Way or other City property segments and/or municipal address(es), project contact information, contractor information, and anticipated work start and end dates.

On successful submission, Applicants will receive an automated confirmation email acknowledging receipt.

3.2 WSIB & Insurance

The Applicant shall maintain and provide valid WSIB clearance for themselves, and any contractors working on their behalf, for the duration of the work.

The Applicant shall submit a \$5,000,000 Liability Insurance Certificate on which the City has been added as additional insured and a clause stating that the City will have 30 days' notice of cancellation.

3.3 Forestry Approval

To ensure compliance with the City's Public and Private Tree By-laws, a valid permit or clearance must be obtained from Forestry Protection before mobilization for each permit. The requirement to have a permit or clearance from Forest Protection will be a condition of the approved Municipal Consent Permit.

For more information on the City's Tree By-laws, and where to access them, please visit the City's Forest Protection and Tree Permits webpage.

3.4 Construction and Mobility Management Policy (CMMP)

City staff may require the submission to include a CMMP as detailed in the City's Construction and Mobility Management Policy, as amended.

3.5 Drawings

All drawings must clearly illustrate the proposed work, existing conditions, and any impacts within the City Right-of-Way. Drawings shall include:

- A title block, indicating drawing scope, Applicant name, revision number, date and scale.
 - Where symbols are used, provide a legend.
 - A key plan to show the major intersections in close proximity to the proposed work location.
- North Arrow.
- Clearly display all property lines, street names, and include municipal addresses near the proposed work. If a municipal address is not available, provide dimensions from the location of the work to the nearest intersection of property lines.
- Illustrate and label edge of pavement, sidewalks, driveways, boulevards, ditches, and curbs. Identify existing plant and Right-of-Way features including vaults, transformers, pedestals, regulators, hydrants, poles, City trees (including dripline), and planters.
- Illustrate and label all City of Burlington infrastructure (curb, concrete sidewalk, multi-use trail, interlocking areas, existing storm sewers, existing transit infrastructure and trees etc.).
- Proposed plant location must be tied to a property line, and a visible permanent structure such as a curb or edge of pavement.
- Dimension offsets for all other utility plant, structures, or appurtenance within three metres of the proposed work. Offsets shall be clearly identified as either plant edge to edge or centreline to centreline.
- Details and dimensions of all proposed above ground infrastructure.
- Where proposed plant is crossing a Right-of-Way, a cross-section is to be provided and must include the vertical offsets to existing infrastructure.
- Additional drawing requirements may be requested at the City's discretion.

3.6 Traffic and Pedestrian Control Plans

The Applicant shall submit a traffic control plan and adhere to the rules and regulations as set out in the Ontario Traffic Manual Book 7 and Ontario Health and Safety Act. The Applicant shall supply all necessary signage and barricades required to close lanes and detour traffic around the work area.

If the work impacts pedestrian and/or bicycle facilities, the Applicant shall submit a pedestrian control plan outlining the proposed path for pedestrian and/or bicycle activities to avoid work zones and maintain safety.

Right-of-Way closures will not be permitted unless permission has been received from City staff.

City staff may require the Applicant to provide paid duty officers on site.

The Applicant shall also conform to the following minimum requirements:

- The Applicant shall always have a copy of the location-specific traffic control plan for the protection of workers and the public on site as per the Ministry of Labour regulations.
- On non-arterial roads, the Applicant may restrict traffic to one lane if certified traffic control persons are provided to ensure safe vehicular travel through the site or as deemed necessary by City staff.
- Vehicular access to commercial properties must be maintained for the duration of the work. Any work across commercial driveways shall be done in a manner that will ensure continuous and unimpeded flow of traffic.
- Sidewalks shall be maintained at all times. Where this cannot be achieved, a temporary sidewalk shall be required.

3.7 Incomplete Applications

Applications that do not conform with this Municipal Consent Permit Manual will not be reviewed. The Applicant will be notified by City staff and informed of the specific sections of this Municipal Consent Permit Manual with which the application does not comply.

3.8 Application Review Period

The submission date of the application is the date on which the complete and compliant application is received.

On receipt of a complete and compliant Municipal Consent application, City staff will review the application and provide comments, conditions, or requirements for additional information within 10 business days.

4.0 Mobilization Processes

4.1 Engineering Services Notification

The Applicant shall notify the City Engineering Services department at engpermitrequests@burlington.ca in writing a minimum of 48 hours before any work begins. (This includes but is not limited to tree protection fencing.)

4.2 Pre Work Site Meeting

The City may require a pre-work site meeting before the commencement of work. A representative of the Applicant and their contractor will be required for the meeting. Applicants will be notified of this condition along with their approved Municipal Consent Permit.

4.3 Resident and Property Owner Notification

For all non-emergency work, the Applicant shall provide a written notice to all adjacent properties, and all properties that will face or will have a line of sight to the proposed work a minimum of 48 hours before any work commencing. City staff will provide a list of properties requiring notification with the approved permit.

The notice shall include the Applicant's name, Municipal Consent Permit number, expected project duration, and the name and phone number of a contact person at the Applicant's office.

A copy of the Notice and the completed and signed Notification Form shall be submitted with the 48 hours' notice to the Engineering Services department before mobilization.

For work in the downtown area, the City requires at least 10 business days' notice in advance of mobilizing to site. City staff will notify the local councillor and, where applicable, the Business Improvement Area office of the proposed work.

4.4 Right-of-Way Closure Notification

After permit approval, the Applicant is required to provide Engineering Services at least 10 business days' notice before any Right-of-Way closures.

4.5 Project Continuity

Approved permit work shall be continuous in nature. If the Applicant/contractor must vacate the site for longer than 72 hours, notification must be provided to City staff.

4.6 Scheduling

City staff may direct the Applicant to alter the work start date to maintain public safety or for other reasons. In general, work will not be allowed to happen at the same time on parallel adjacent arterial roads or collector roads. The Applicant will be notified by City staff of a conflict with other work, and the requirement to adjust their start date to a mutually agreeable date, at the time of mobilization notice.

Where such conflicts arise, City staff will work with the affected Applicants to coordinate a mutually agreeable schedule. All instances will be evaluated on a case-by-case basis; however, precedence will generally be given to the first Applicant to notify and provide a firm start date to City staff.

4.7 Pre Work Photos

Before work begins, the Applicant shall take pre-work photos showing the condition of site and surrounding areas before work.

4.8 Locates and Protection of Plant

Before the start of any excavation, the Applicant shall obtain locates from all owners of underground plant in the work area in accordance with the *Ontario Underground Infrastructure Notification System Act*, 2012. The Applicant shall comply with any standards and instructions from the plant owners when working near their plant and as required by law. The Applicant shall comply with industry best practices when excavating, shoring, piling, backfilling and compacting around existing plant or as directed by the owner of the plant and the City staff.

4.9 Required Documentation 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 on being required to do so by City staff:

- Locate paperwork
- Approved Permits and drawings
- Traffic/Pedestrian control plan(s)

4.10 Revisions to Approved Permit

Any request for changes to an issued permit and the applicable drawings must be reviewed and approved by City staff.

Depending on the nature and extent of the requested change, the Applicant may be required to:

- meet with City staff in the field to review proposed changes.
- submit, in writing, an explanation of the proposed changes.
- submit a revised drawing highlighting the proposed changes.

4.11 Time of Work

The Applicant shall comply with the City's Nuisance and Noise By-law.

In addition, the Applicant shall ensure the following:

- Equipment, including and plant, shall be maintained in a good working condition that does not leak fluids and prevents unnecessary noise, including but not limited to proper muffler systems, properly secured components, and the lubrication of all moving parts.
- Idling of equipment shall be restricted to the minimum necessary for the proper performance of the specified work.

Work may only take place during the times specified on the permit or as specified by City staff. The Applicant should note that the restrictions may vary for different directions of travel on the same Right-of-Way and that work may be prohibited at specific times and dates to co-ordinate with or avoid other work or events in the area.

At most locations working hours are between 7 a.m. and 7 p.m. from Monday to Friday. Permission from City staff will be required to work outside of these hours.

No work is permitted within school zones during regular school hours unless permission has been received from City staff. City staff will designate the school zone before issuance of the permit.

No planned or scheduled occupancies on arterial roads or collector roads during the peak hours of 7 a.m. to 9 a.m. and 3 p.m. to 6 p.m.

4.12 Occupation of Paid City Parking Spaces

Where work requires the temporary occupation or blockage of paid parking spaces, the Applicant is responsible for arranging the reservation of the required parking spaces by contacting city@burlington.ca.

4.13 Project Information Signs

Based on the impact to traffic and area residents, City staff may require project information signs to be placed. City staff will identify the requirement for such signs at the time of the pre-construction meeting. Where such signs are required, the signs shall be installed by the Applicant, at their cost. Work shall not start until the project signs are in place.

4.14 Site Access

Authorized representatives of the City, having the required personal protective equipment, will, at all times have access to the work site to monitor the progress of the work to whatever extent they deem appropriate and to determine compliance with this Manual, permit requirements and any other instructions issued by an authorized representative of the City. The Applicant is cautioned that failure to comply will result in enforcement under the City of Burlington Municipal Consent By-Law, which may include fines, stop-work orders, permit revocation, or other compliance measures as set out in the By-law.

In conducting the work, or any portion of it, the convenience of the public must always be considered and provided for by the Applicant who must not obstruct any travelled portion of the Right-of-Way, bike lane, or municipal sidewalk without written permission from City staff.

The Applicant is to provide safe, ample and convenient means of approach and entrance to adjoining lanes, driveways, buildings and property, both for vehicles and pedestrians, wherever necessary. This applies to passing along all travelled portions of the Right-of-Way and sidewalks, and for crossing the same where it is practicable to do so, both when conducting the work as well as at other times. The Applicant must construct and maintain, in good and serviceable condition, suitable and convenient platforms, means of approach, structures, bridges, crossings or other works as necessary to maintain access.

The Applicant is to ensure that all residents have access to their properties at all times. If access will be blocked for any period of time, the Applicant must make arrangements with the occupants at least 48 hours before any disruption.

5.0 Construction Requirements

5.1 General

During the installation or repair of any plant, excavation equipment with stabilizers shall be outfitted to prevent damage to the pavement surface or wood or rubber pads shall be placed on the Right-of-Way to support the stabilizers.

Any damage to the Right-of-Way attributable to the Applicant's work shall be repaired, at the Applicant's expense.

Excavation shall not extend beyond the limits of the sawcut area. Care is to be taken to ensure that undermining the adjacent pavement, curb and sidewalk is minimized. Where the pavement, curb and/or sidewalk are undermined by construction activities or from other causes, these undermined areas shall be filled, and the settled structures shall be restored to their original grades at the expense of the Applicant.

The Applicant is to install company placards on any fenced pits, which include company name and emergency contact number.

5.2 Reporting Impact / Damage to Existing Plant

Any impact to existing plant, including but not limited to the protective coating, support, cathodic protection or the housing of the plant, shall be reported to City staff and the plant owner immediately. The plant shall remain exposed, with the excavation properly supported, until the plant owner has assessed the damage and made a repair or authorized the Applicant to proceed.

5.3 Protection of City Infrastructure and Assets

City staff may require the Applicant to undertake post-work CCTV inspection of existing City storm sewer infrastructure where proposed work may impact or are in proximity to municipal storm sewers.

Where proposed work is located near or has the potential to impact existing City structures including but not limited to bridges, retaining walls, and structural culverts, City staff may require pre- and post-work structural inspections.

Inspections shall be completed by a qualified professional and may include condition assessments, monitoring, and documentation, as determined by City staff.

Any damage to City infrastructure identified as a result of the Applicant's work shall be repaired at the Applicant's expense and to the satisfaction of City staff.

5.4 Site Maintenance

5.4.1 Mud and Dust Control

Applicant to maintain mud and dust control as per City By-Law 64-2014, the City's Site Alteration By-law.

5.4.2 Winter Maintenance

Where the Applicant's work impedes snow removal and de-icing by the City, the Applicant shall be responsible for providing ice and snow removal services within the work area as approved on their permit, at their own cost, as dictated by City staff.

5.4.3 Minimum Maintenance Standards

The Applicant shall be responsible for ensuring the Provincial minimum maintenance standards as set out in O. Reg 239/02 (Minimum Maintenance Standards for Municipal Highways) are maintained within the work area as approved on their approved permit.

5.4.4 Stockpiling

Stockpiling of excavated material within the City Right-of-Way is not permitted under any circumstances for any length of time. All excavated material shall be loaded directly into appropriate haulage trucks and disposed of off-site immediately on removal.

5.4.5 Excavation Protection

All excavations must be backfilled to match the adjacent grade or properly protected at the end of each working day.

When temporary plates are used to maintain vehicular, bicycle and pedestrian traffic flow, the plates shall have a skid resistant surface treatment and shall be fastened down to prevent moving. The plates shall be set flush with the surface of the pavement. The recessed plates should overlap the cut by no less than 300 mm on all sides. Asphalt shall be used to secure the plates tight to the pavement along all edges to eliminate any vertical edges. Appropriate signs shall be posted advising of the presence of the plates.

Plates shall be used only as a temporary measure while work is being conducted and shall not be used for extended periods of time.

5.5 Hard Surface Cuts

Keyhole cuts are the required cut method within all City hard surfaces – See City of Burlington Keyhole Standards for full specifications.

5.5.1 Travelled Portion of the Right-of-Way

- If a keyhole cut is not possible, prior approval from City staff is required for other excavation methods.

5.5.2 Sidewalks

- If a keyhole cut is not possible, removal of full sidewalk bay(s) is required, backfill as per the Municipal Consent Permit Manual. Sidewalks are not permitted to be closed overnight.
- Final restoration of sidewalk bays requires replacement of the removed bay(s) plus one adjacent bay in each direction to be removed/replaced with concrete as per City of Burlington Standard Specifications.

5.5.3 Driveways

Cuts are not permitted in concrete driveways or aprons (between curb and sidewalk) without prior approval from City staff.

5.6 Keyhole Excavation

Applicants that are required to expose utilities within hard surfaces shall use Keyhole Excavation and reinstatement methods unless approved by City staff.

All keyhole cuts within the City Right-of-Way shall be constructed in accordance with the City of Burlington Keyhole Specifications, attached as Appendix C.

5.7 Saw Cutting of Pavement, Sidewalk, Curb and Driveway

Unless judged unfeasible, the sawcut area shall have a maximum of four sides that are all parallel or perpendicular to the direction of travel. Saw cuts shall be straight and vertical to the full depth of the asphalt and concrete layers of the pavement.

Saw cutting operations shall be performed with suitable equipment and methods and not with heavy machinery or jackhammers that may cause damage to the surrounding surface.

Saw cutting shall stop at, or just short of, corners to avoid overcutting. After saw cutting the edges, removal of pavement materials shall be performed with care to avoid lifting and breaking the travelled portion of the Right-of-Way pavement beyond the sawcut borders.

5.8 Material and Equipment Delivery and Storage

Storage of material and equipment, including any plant, within the Right-of-Way is only permitted with prior approval from City staff.

Storage of materials shall be considered a part of the work area as approved on the permit.

Stockpiled material and equipment, including any plant, must be safely contained and not obstruct pedestrian or vehicular traffic, and or sightlines. Applicant shall install company placards on snow fenced stockpiles which include company name and an emergency contact phone number.

If material is being stockpiled onsite, the Applicant must install erosion and sediment control measures to ensure no runoff into storm sewers.

Management and disposal of excess material shall be in accordance with OPSS 180 and O. Reg. 406/19 (On-Site and Excess Soil Management).

5.9 Completion of Work

When the work is complete or if the work has been cancelled, the Applicant is required to notify engpermitrequests@burlington.ca. City staff will then complete a post-work inspection and close out the permit if final restoration is satisfactory.

5.10 Non-Compliance

Any non-compliance with the permit conditions, Municipal Consent By-law or this Municipal Consent Permit Manual will result in enforcement under the City of Burlington Municipal Consent By-Law, which may include fines, stop-work orders, permit revocation, or other compliance measures as set out in the By-law.

6.0 Backfill and Restoration Requirements

6.1 General

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

Where the Applicant has completed only temporary restoration, the permanent repair may be completed by City staff with all associated costs being charged to the Applicant.

6.2 Temporary Restoration

Only hot mix asphalt shall be used. If that is not possible, written approval must be obtained from City staff before the use of other materials (such as cold patch).

Temporary restoration shall be performed when weather conditions do not permit the placement of materials. Temporary restoration must be a minimum of 50mm of HL8 asphalt placed on compacted granular material.

6.3 Backfilling

All backfilling activities shall be conducted as per OPSS 401, and the compaction shall be in accordance with OPSS.PROV 501. All backfill materials shall be placed in layers not exceeding 300mm in depth.

If ground loss occurs during the excavation or backfilling activities, the pavement, sidewalk, curb will be removed as directed by the City staff to ensure proper compaction.

All trenches under the travelled portion of the Right-of-Way, sidewalks and driveways shall be backfilled with virgin granular material.

All excavations shall be backfilled to match the adjacent grade or properly protected at the end of each working day unless approved by City staff. Open excavations can be left open no longer than 10 business days and must be properly covered, protected, and signed.

A geotechnical consultant may be required to carry out sufficient testing to certify compaction complies with City standards.

Material mix designs are to be submitted for concrete, asphalt and granular with the permit application.

In the event backfill and restoration cannot be completed before end of day, a steel plate, engineered to carry traffic loading, shall be used to bridge the excavation until the next working day. The plate is to be counter-sunk and overlap the cut by no less than 500mm on all sides. Appropriate signage to be placed to notify motorists. (*note: steel plates are not permitted between Dec. 1 and April 15*).

6.4 Bedding and Cover

All bedding and cover material shall be placed in accordance with the City of Burlington Standard Specifications, as amended and OPSS 410.

6.5 Unshrinkable Fill

Unshrinkable fill is not permitted in the City unless prior permission is received from City staff.

6.6 Granular Fill

All granular backfill used under the travelled portion of the Right-of-Way, driveways and sidewalks is to be compacted to 100% standard proctor density.

Recycled granular will not be permitted unless approved by City staff.

6.7 Native Fill

All native backfill used in the boulevards is to be compacted to 95% standard proctor density.

Native backfill is not permitted in the travelled portion of the Right-of-Way unless permission is received from City staff and material testing confirms material is suitable for backfill.

6.8 Asphalt Restoration

All asphalt must be placed in accordance with OPSS.MUNI 310 and City of Burlington Standard Specifications

On surfaced road or driveways, cutting must be done by means of saw cut to full depth, to leave a clean, straight edge with vertical sides unless otherwise approved in writing by City staff.

Diagonal cuts are not permitted.

All excavations shall be reinstated with hot mix asphalt and not left with a granular surface.

6.9 Concrete Restoration

All concrete sidewalk, curb and gutter shall be constructed within the municipal Right-of-Way in accordance with OPSS.MUNI 310, OPSS.MUNI 353, OPSS.PROV 351, and City of Burlington Standard Specifications, as amended.

No partial cuts are permitted to sidewalk bays. Any work which requires a sidewalk bay to be cut or removed requires the replacement of the impacted sidewalk bay, plus the replacement of the adjacent sidewalk bays (three bays minimum).

Curb and gutter restoration shall extend a minimum of 1.0 m beyond the trench limits or up to the nearest expansion joint, unless otherwise marked by City staff.

6.10 Boreholes

Typical borehole restoration shall consist of cold patch matching existing thickness of asphalt, 1.5LM of high-performance granular bedding and bentonite hole plug to bottom of borehole.

Engineering Services staff can provide a borehole standard drawing on request of the Applicant.

6.11 Final Restoration

Final restoration performed by the Applicant shall be to the satisfaction of City staff. The restoration work will be under warranty for two years.

Applicant shall review and confirm final restoration limits with City staff before undertaking any work.

Final restoration shall include all concrete, asphalt, backfill, soil, sod, gardens, driveways, and any object disturbed by the work set out in the permit.

The travelled portion of the Right-of-Way shall be permanently restored with hot mix asphalt that matches existing thickness of roadway. The top 50mm of the excavation shall be HL3 hot mix and the base asphalt layers shall be HL8 hot mix in accordance with City of Burlington Standard Specifications, as amended.

The Applicant shall place 100 mm of topsoil and No. 1 nursery sod in all grassed areas disturbed by work activity. The Applicant shall ensure that the sod is sufficiently watered for growth. Sod shall be as per City of Burlington Standard Specifications, as amended. Topsoil and seed are not permitted unless previously approved by City staff.

All restoration shall follow current City of Burlington Standard Drawings and Specifications.

6.11.1 Asphalt Work (Road Restoration)

S114, S114A, S115, S115A, S115B, S117, S117A

6.11.2 Sidewalk

S-121, S-123, S-123A, S-123B, S-125A, S-125B

6.11.3 Curb

S-120, OPSD 600.01, 600.02, 600.03, 600.04, 600.11

6.11.4 ICI Entrances

S-112, OPSD 350.010

6.12 Deficiencies

On being notified that restoration has not been carried out to the satisfaction of City staff, the Applicant shall rectify the deficiencies immediately. If the deficiencies are not rectified by the required deadline, City staff may undertake remedial restoration, which may include complete excavation, and charge back all associated expenses to the Applicant.

6.13 Emergency Repairs

Despite the above, if deficiencies in the temporary or permanent repair performed by the Applicant pose a safety hazard, City staff, may immediately undertake remedial restoration, which may include complete excavation of the cut, and charge back all associated expenses to the Applicant.

Glossary

Applicant – Halton Region, the utility company, commission, agency, or private entity that is responsible for the work. This is extended, where applicable, to include the Applicant's employees and its agents, consultants, and contractors.

Book 7 – Ontario Traffic Manual, Book 7 – Temporary Conditions (Field Edition) was developed to show how to apply traffic control devices in temporary construction, maintenance, and utility work zones, to help ensure worker safety, motorist safety, and motorist mobility. It has been prepared to assist work in the field by illustrating the appropriate signing and the channelization required for the most common types of roadway work operations.

Boulevard – That part of a Right-of-Way that is not used, or intended to be used, for vehicle travel by the general public, and that is situated between the travelled portion of the Right-of-Way and the adjoining property line.

Burlington Joint Utilities Committee (BJUC) – The Committee established between the City and its utility partners to share updates on upcoming projects, align schedules, and communicate process or policy changes in a consistent and collaborative way.

City – The Corporation of the City of Burlington or its geographic boundaries as the context requires.

City Standards – Standards or other requirements established by the Director from time to time and all other applicable City standards and other requirements, including by-laws.

Director – The Director of Engineering Services for the City and includes the Director's designates, referred to a "City staff" in this Manual.

Emergency work – Work required to reduce or eliminate a situation or an impending situation that is resulting in or could result in serious harm to persons or substantial damage to property, including but not limited to the loss of an essential service or damage to equipment, including plant.

essential service – Energy (including but not limited to, natural gas, steam, and electricity), water, sanitary sewage, traffic control, and the following communication services: 911 service, communications for financial transactions, business networks, and internet.

Excavation – The breaking, digging up, tearing up, tunneling, boring, coring, attaching to, cutting into or removing of any portion of the surface or subsurface within the Right-of-Way, including pavement, sidewalk, curbs, gutters or boulevards.

Mainline – Any plant that is not a service or service drop.

Municipal Access Agreement – An agreement, approved by City Council and entered into by the City, which contains provisions for granting consent to a person to do work in the Right-of-Way.

Municipal Consent Permit Manual – This document, specifying the requirements for the installation of plant within City Rights-of-Way.

Native fill – Excavated material for placement into the exact location from which it was removed.

Permanent repair – Restoration of a cut and/or excavation to a condition which requires no further repair.

Permit – Means a permit issued by City staff in accordance with the requirements of the City of Burlington Municipal Consent By-Law to do work.

Plant – Any poles, cables, pipes, conduits, ducts, pedestals, regulators, antennas, towers, wires, amplifiers, vaults, maintenance holes, hand holes, support structures and or other appurtenances or ancillary facilities or structures used for the provision of telecommunications, internet, energy, water, wastewater, steam, fuel and/or other materials. Any encasement, steel plating or other non-excavatable material is deemed to be part of the plant.

Right-of-Way – A highway under the jurisdiction of the City in accordance with the Municipal Act, 2001, and a Right-of-Way includes the entire area between the lateral property lines of the highway. The terms “highway”, “road”, “road allowance” and “street” or any similar term, if used, have the same meaning as “Right-of-Way”.

Service / service drop – A cable, pipe, conduit, or any other plant that provides service directly to a customer.

Sidewalk – That part of the Right-of-Way located within the boulevard that is improved for the exclusive use of pedestrians.

Travelled portion of the Right-of-Way – That part of the Right-of-Way that is improved for the use of vehicles.

Work – Work involving equipment that affects any Right-of-Way and includes any excavation, construction, or installation, repair, replacement or extension of plant within a Right-of-Way

Appendix A – Reference Documents and Links

The following documents are referenced within this Manual. Links are provided for convenience only. In the event of any discrepancy, the official version of the document, as amended, shall prevail.

Document / By-Law	Issuing Authority
<u>Municipal Consent By-Law</u>	City of Burlington
<u>By-Law 019-2003 – Nuisance and Noise Control</u>	City of Burlington
<u>By-Law 064-2014 – Site Alteration</u>	City of Burlington
Appendix B - Guidelines For Utility Installations In The City Right-Of-Way	City of Burlington
<u>Municipal Consent Online Application</u>	City of Burlington
<u>Standard Specifications for Roads, Sewers, and Watermains</u>	City of Burlington
<u>Engineering Standard Drawings</u>	City of Burlington
<u>Construction and Mobility Management Policy</u>	City of Burlington
<u>Forest Protection and Tree Permits</u>	City of Burlington
<u>Halton Regional Road Network Map</u>	Regional Municipality of Halton
<u>Ontario Underground Infrastructure Notification System Act, 2012 (S.O. 2012, c. 12)</u>	Government of Ontario
<u>Minimum Maintenance Standards for Municipal Highways (O. Reg. 239/02)</u>	Government of Ontario
<u>Ontario Provincial Standards for Roads and Public Works (OPS)</u>	Government of Ontario
<u>On-Site and Excess Soil Management (O. Reg. 406/19)</u>	Government of Ontario