



## POLICY MANUAL

**POLICY NUMBER: PUBLIC WORKS-016**

**SUBJECT: PROCEDURES FOR ROAD OCCUPANCY FOR  
CONSTRUCTION PERMIT**

**POLICY STATEMENT:  
(Purpose/Objective)**

To ensure that the responsibilities of all parties are agreed to and understood for the purposes of processing applications for temporary road and sidewalk occupancies for Construction and Emergency Purposes in a uniform fashion and that the guidelines are followed in order to ensure that all temporary road and sidewalk occupancies operate in a safe and orderly fashion.

**RELATED POLICY PROCEDURES/GUIDELINES:**

**1. Definitions**

Applicant	Any person, contractor or company applying for a temporary road occupancy permit;
Boulevard	Part of the right-of-way between the back of curb or edge of roadway and front of sidewalk or property line, not intended to be used for vehicle travel;
Contractor	A person who makes an agreement with another to do a piece of work, retaining in himself control of the means, method and manner of producing the result to be accomplished;
Emergency	Unforeseen work that is necessary immediately because of imminent danger to life, health or property.
Lane	Part of a roadway that accommodates a single line of moving or parked vehicles as well as bicycles;
Lane Closure	A closure of one or more lanes of a roadway such that the direction of traffic flow is maintained in all directions existing before the closure, and no diversion of traffic to another road is required;

Full Occupancy/ Closure	A closure or obstruction of the right-of-way including sidewalk or roadway such that the direction of vehicular and pedestrian traffic is blocked in one or both directions, requiring a diversion of traffic to an adjacent roadway;
Partial Occupancy/ Closure	A closure of any portion of the right-of-way including sidewalk or roadway such that the direction of vehicular and pedestrian traffic flow is maintained in all directions existing before the closure, and no diversion of traffic to another right-of-Way is required;
Right-of-Way	The municipally owned area between the lateral property lines, including the roadway, bike lane, sidewalk or multi-use path and shoulder or boulevard, bike lane;
Roadway	Part of the right-of-way that is used for vehicular traffic, but does not include the curb, shoulder or boulevard;
Shoulder	Part of the right-of-way immediately adjacent to the roadway and having a surface, which has been improved for the use of vehicles, with asphalt, concrete or gravel;
Sidewalk	Part of the right-of-way that is used by pedestrians, located between the edge of the roadway and property line

## **2. Application and Permit Process**

### **A. General**

- i. The application is required and processed in accordance with the City of Brantford By-law No.117-2007, as amended, pursuant to the Municipal Act, 2001, as amended, the City of Brantford Municipal Code as amended, the Occupational Health and Safety Act as amended, the Ontario Building Code, and all other applicable legislation. The application must be approved prior to the temporary road, sidewalk or boulevard occupancy going into effect.
- ii. An application for a Temporary Road Occupancy Permit shall be filed with Engineering Services not less than ten (10) working days in advance of the proposed occupancy.
- iii. Approval for the road occupancy is only provided for the time periods noted on the front of the permit. Should a permit extension be required, it must be requested prior to the original permit expiring. A maximum of 1 permit extension will be granted. Should more time be required, the information must be re-submitted to the Engineering Services Department.

### **B. Applicant Responsibilities**

- i. The request should provide details on dates and time periods, limits of the road or sidewalk occupancy, reason for the occupancy, a detailed site map etc. to identify the particulars of the occupancy. A Sample Application and Permit form, which may be occasionally amended, is attached to this policy as Attachment "A".

ii. The following documentation is to be attached and submitted with the application prior to the road occupancy approval and subject to identifying any other conflicts related to construction, events, other detours, etc.:

- Insurance: A Certificate of Insurance with Commercial General Liability coverage in the amount of \$2,000,000 per occurrence with the "Corporation of the City of Brantford" named as an additional insured and as the Certificate Holder, indicating the nature of the occupancy to be covered and valid for the entire duration of the occupancy.

The policy shall also contain a cross-liability and a severability of interest's clause, and contain a clause including contractual liability arising out of the application. If the policy is cancelled or changed in any manner that would affect the City, 15 days written notice will be given by the applicant or their insurer. The insurance coverage and policy limits acquired under this application shall in no manner discharge, restrict, or limit the liabilities assumed by the applicant under this application. Proof of insurance must be submitted by a certificate of insurance with all requested lines of coverage shown to the satisfaction of the City. (Refer to Attachment "B" which provides a "sample" certificate as a guide.)

- Notification: A copy of the written notification, identifying the location, date, duration, reason and applicant contact information for the temporary occupancy.

Once the draft notification letter has been approved by Engineering Services, the applicant shall hand deliver to all property owners, residents and businesses who abut the section of right-of-way to be occupied (Refer to Attachment "C");

A copy of the notification shall be emailed by the applicant to Emergency Services, Utilities and other City Services at [closurenotices@brantford.ca](mailto:closurenotices@brantford.ca)

The magnitude of the work shall dictate the responsibility of the applicant to provide additional public notification.

- Traffic Control Plan: Provision of a Traffic Control Signage Plan in compliance with the Ontario Traffic Manual, Book 7, Temporary Conditions, indicating the use and layout of the right of way for the occupancy, to be approved by the Engineering Department.
- Parking: Proof of parking arrangements from the City of Brantford Parking Enforcement Office is to be provided for the purposes of acquiring permits and payment for use of parking spaces as required.
- Other Permits: A copy of all work related permits such as, but not limited to a Driveway Permit and/or Street Excavation Permit, Municipal Consent or Site Alteration Permit as approved by the Public

## Works Commission.

- iii. Upon submission, the applicant shall pay the permit fee according to the current Fees & Charges By-law, prior to the application being reviewed. No Road Occupancy Permit shall be issued until such fees have been paid and there shall be no refund of any fees for any cause.
- iv. The applicant is responsible to make arrangements for:
  - Provision, erection and maintenance of traffic control signage in conformance with the MTO Ontario Traffic Manual Book 7 Temporary Conditions for the duration of the occupancy
  - Provision of a Police Officer, when required, to provide traffic control
  - Provision of traffic control persons, when required, to ensure the safety of pedestrians and motorists within the occupancy area.
  - All other associated costs of the road occupancy, including the provision of insurance coverage.

### **C. City of Brantford Responsibilities**

- i. Once the required documentation, as detailed under applicant responsibilities, has been received, a permit will be signed by the General Manager, of the Public Works Commission, or designate, and returned to the applicant.
- ii. Notification of the road occupancy is provided by the City via the website and social media if the travelled portion of the roadway is affected by either a partial or total roadway closure AND a detour is required.
- iii. A work order is issued by City Staff to the Traffic Department to arrange for the erection of peripheral detour routes in accordance with Book 7 of the Ontario Traffic Manual, if required.

### **3. Permit Exemptions**

The following situations are exempt from both the permit and the fee, unless otherwise noted:

1. Work considered very short duration, as defined by the Ontario Traffic Manual Book 7 Temporary Conditions.
2. Construction performed by or on behalf of The City of Brantford limited to partial occupancies. Notification is required to both residents and businesses as well as to emergency services, utilities and other City services as well as transportation technician. Should a full road closure be necessary, a permit will be required, exempt from the permit fee.
3. Emergency Services
4. Emergency Situations/Events. In these situations, work may be undertaken

without prior notice; however, the contractor must notify emergencywaterandroadnotifications@brantford.ca within 24hrs of work commencement.

#### **4. Permit Fees**

Upon submission, the applicant shall pay the permit fee according to the current Fees & Charges by-law, prior to the application being reviewed. No Road Occupancy Permit shall be issued until such fees have been paid and there shall be no refund of any fees for any cause. Applicable parking fees would apply to all occupancies located in any time restricted area (Downtown BIA for example).

##### **a. Permit Extensions/Alterations**

Permit extension requests shall be submitted to roadclosures@brantford.ca with an updated notification letter stating the length of the proposed extension. After the applicable fee has been paid and the extension has been approved, the applicant will be required to complete all notification requirements as outlined in the original permit using the updated notification letter.

Permit extensions will only be granted once after which, the applicant must reapply for a permit. Extensions will only be granted so that the entire permit duration remains within the original permit fee category. If work is required extending the duration into the next fee category, the difference in permit fee would be charged.

A permit alteration fee would apply to requests requiring staff review time such as change in date, traffic control, location, etc.

##### **b. Expedited Permits**

A Fee for a permit processed within less than five (5) business days if requested by applicant and if staff time permits is identified in the Fees and Charges By-law.

##### **c. Restoration Fee Due to Damage**

Should any unexpected damage occur to City infrastructure, such as street lights, and require repairs by City staff, the applicant will be invoiced based on the fee identified in the Fees and Charges By-law.

#### **5. Enforcement & Fines**

Parking Operations and ROW Enforcement shall enforce the provision of this policy, should sufficient resources exist. Current fines relating to non-compliance and construction starting prior to permit issuance are outlined in the current Fees and Charges By-law.

##### **a. Non-Compliance**

Where any person, contractor or company is in contravention of any term or condition of the issued Permit, Parking Operations and ROW enforcement representative will advise the contractor of the concern and, issue the fee for non-compliance. The contractor will have 12 hours to rectify the situation as per the approved permit.

**b. Construction Started Prior to Permit Issuance**

**i. Stop Work Order**

Where any person, contractor or company is in contravention of the policy, and is performing work within the municipal right of way without a permit, Parking Operations and ROW enforcement representative will make an order (“Stop Work Order”) directing the person, contractor or company to cease any or all work immediately and apply for a Road Occupancy Permit within 24 hours of the order, or the next business day.

**ii. Prosecution**

Where any person, contractor or company is in contravention of the policy, and is performing work within the municipal right of way without a permit and have been given a Stop Work Order, Parking Operations and ROW enforcement representative will proceed with prosecution, directing the person, contractor or company to cease any or all work immediately. The contractor will remove all equipment and/or materials from the subject area within 24 hours and immediately restore the area to original condition or better. Should more than 24 hours pass and equipment and/or materials are still on site, the City will remove the items, restore the area and invoice those responsible. If additional expenses are incurred by the City as a result, the City will invoice those responsible.

Date of Enactment: April 20, 2015	Related By-law Number/Staff Report Number: Report #2019-197 By-law 111-2019
Review and Amendment Dates: June 11, 2019	Responsible for Review: Engineering Services
Date of Next Review: 2024	Applicable Legislation/Legislative Authority:



## Checklist and Additional Information for Applicants

TEMPORARY ROAD OCCUPANCY PERMIT  
(CONSTRUCTION AND EMERGENCY PURPOSES)

### Responsibilities Of The Applicant:

#### Site Diagram:

- Diagram showing street names, north arrow, house/building number(s), curb lines, sidewalks, property lines, etc. As relate to the work area. The plan is to be submitted as an attachment to the application, including traffic and parking control, if required. If submitting electronically, .jpg or .pdf formats are acceptable.

#### Insurance Requirements:

- Provision of a Certificate of Insurance with **commercial general liability coverage in the minimum amount of \$2,000,000 and naming the "Corporation of the City of Brantford" as an additional insured. Cross-liability and 30 days written notice of cancellation are to be shown on the certificate.** Insurance certificate must accompany this form before approval can be provided.

#### Notification Requirements:

- One notice can be used for all notifications. The draft notice requires approval by the Transportation Technician before distribution. Once the notice is approved:
- Hand deliver the notice to all residents and businesses effected
  - Email the notice to emergency services, utilities and other City services at [roadclosures@brantford.ca](mailto:roadclosures@brantford.ca)
  - If your construction is located in the downtown, email the notice to the BIA at [info@downtownbrantford.ca](mailto:info@downtownbrantford.ca)

#### Traffic Control Requirements:

- Provision, erection and maintenance of traffic control signage in conformance with the MTO Ontario traffic manual book 7 temporary conditions for the duration of the occupancy – MTO library website  
[https://www.library\\_mto.gov.on.ca/SydneyPLUS/Sydney/Portal/default.aspx?component=AAAAIY&record=34657287-fb36-43a2-84d7-7dc2c5e0d3a6](https://www.library_mto.gov.on.ca/SydneyPLUS/Sydney/Portal/default.aspx?component=AAAAIY&record=34657287-fb36-43a2-84d7-7dc2c5e0d3a6)
- Traffic control signage plan for the proposed vehicles, objects, materials, or structures on the city road allowance.
- Provision of a police officer to provide traffic control may be required.
- Provision of traffic control persons to ensure the safety of pedestrians and motorists within the area of the occupancy.

#### Other Permits Or Approval Requirements:

- Parking arrangements for use and payment of parking spaces in the Downtown (BIA) area to be made through the Parking Services Office located at the Market Centre Parkade:  
(59 Icomm Drive, Brantford, ON Telephone: 519-753-2311, fax: 519-754-0724).
- For works located on the public right-of-way, a Street Excavation Permit and/or a Driveway Permit will be required when cutting into the ground. Application forms and information can be obtained from Engineering Services at City Hall - 519-759-4150.
- Hoarding Permit application and information can be obtained from the Building Department, City Hall (519) 759-4150.

#### Fees:

- Please refer to the current Fees and Charges By-law for the applicable Road Occupancy Fees.

#### Locates:

- For Utility locates contact Ontario One Call at 1-800-400-2255



## Checklist and Additional Information for Applicants

TEMPORARY ROAD OCCUPANCY PERMIT  
(CONSTRUCTION AND EMERGENCY PURPOSES)

### Responsibilities Of The City Of Brantford:

- Erection of peripheral detour route in accordance with Book 7 of the Ontario Traffic Manual. The cost to provide and install peripheral detour route signage will be the responsibility of the applicant.

### Submission Of Documentation:

#### The Following Documentation Must Accompany Your Submission For The Temporary Occupancy:

- ✓ Completed and signed application form (page 1 only)
- ✓ Certificate of Insurance
- ✓ Site Diagram
- ✓ Draft Notification Letter
- ✓ Traffic Control Plan
- ✓ Permit Fee

#### Methods Of Submission:

- By Email (application fee must be paid prior to the application being processed)  
Email to: [roadclosures@brantford.ca](mailto:roadclosures@brantford.ca)

or

- In Person  
Attention: Laura Welsh, Transportation Technician  
Public Works Commission, Corporation of the City of Brantford  
100 Wellington Square, Brantford, ON N3T 5R7  
Business Hours: Monday to Friday – 8:30 am to 4:30 pm

Sample Notification Letter

**ABC  
CONSTRUCTION**

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1234 West Street, Brantford, ON N5Z 1A0 P. 519-752-1234 F. 519-752-4567

March 2017

Dear Residents, Business Owners, Emergency Services, Utilities and Other City Services

ABC Construction will be partially closing the south lane on Dalhousie Street, east of Market Street, in front of Harmony Square, restricting traffic to one lane on Friday, March 13, 2017, between the hours of 7:00 am and 4:00 pm.

ABC Construction would like to thank you for your co-operation and patience regarding the construction work on Dalhousie Street.

Office Number	519-752-1234
Office Fax	519-752-4567
Email	xyd@abcconstruction.com
After Hours Emergency	226-123-4567
Site Foreman	John Doe

Sincerely

Tom Smith  
ABC Construction

**Sample Insurance Certificate**

CERTIFICATE OF INSURANCE

This is to certify to: **The Corporation of the City of Brantford  
100 Wellington Square  
Brantford, ON N3T 2M3**

That policies of Insurance as herein described have been issued to the Insured named below and are in force at this date.

Name of Insured:

Address of Insured:

Insurer:

Location and Operation to which this Certificate applies: **OPERATIONS USUAL TO THE BUSINESS OF THE INSURED AS "Insert Description of Business Operations for which this certificate applies"**

Type of Policy	Policy No.	Policy Term Effective Date: dd/mm/yyyy  Expiry Date: dd/mm/yyyy	Limits of Liability Canadian Funds	
<b>COMMERCIAL GENERAL LIABILITY (except Automobile) including Cross Liability, Severability of Interests Clause, Contractual Liability Clause</b>	<b>Insert Policy #</b>	<b>Insured Policy Term</b>	<b>\$2,000,000</b>	<b>Inclusive Limit (Bodily Injury &amp; Property Damage Combined)</b>
<b>Products and/or Completed Operations INCLUDED</b>			<b>\$2,000,000</b>	<b>Aggregate</b>

**NOTE: With respect to Commercial General Liability Policy #'Insert policy number' – It is understood that The Corporation of the City of Brantford is added as an additional insured, but solely with respect to liability arising out of the operations of the Named Insured described above.**

The Insurance afforded is subject to the terms, conditions and exclusions of the applicable policy. This Certificate is issued as a matter of information only and confers no rights on the holder and imposes no liability on the Insurer. The Insurer will endeavor to mail to the holder of this certificate Thirty (30) days written notice of cancellation of these policies, but assumes no responsibility for failure to do so.

**NAME OF INSURANCE COMPANY or BROKER**

Per: \_\_\_\_\_  
Authorized Representative

Date: