



Council Meeting Agenda Regular Council Meeting

Monday, September 26, 2022

7:00 p.m.

Virtual Location

This meeting is open to the public and is available through an online platform. Please subscribe to the Township of Wilmot You Tube Channel to watch the live stream or view after the meeting. Delegations must register with the Information and Legislative Services Department. The only matters being discussed at this meeting will be those on the Agenda.

Pages

1. MOTION TO CONVENE INTO CLOSED MEETING

RECOMMENDATION

THAT a Closed Meeting of Council be held on September 26, 2022 at 6:00 p.m. in accordance with Section 239 (2) (b) of the Municipal Act, 2001, to consider the following:

1. Committees of Council - Section 239 (2) (b) - Personal Information About an Identifiable Individual.
2. Staffing Update - Public Works and Engineering Services - Section 239 (2) (b) - Personal Information About an Identifiable Individual.
3. Chief Administrative Officer Performance Evaluation - Section 239 (2) (b) - Personal Information About an Identifiable Individual.

2. MOTION TO RECONVENE IN OPEN MEETING

RECOMMENDATION

THAT Council reconvenes in Open Session at 7:00 p.m.

3. MOMENT OF REFLECTION

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor J. Gerber

5. ADDITIONS TO THE AGENDA - NONE

6. ADOPTION OF THE AGENDA

RECOMMENDATION

That the Agenda as presented for Monday, September 26, 2022 be adopted.

7. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

**8. MINUTES OF PREVIOUS MEETINGS
RECOMMENDATION**

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THAT the minutes of the following meeting be adopted as presented:

- September 12, 2022, Regular Council Meeting.

9. PUBLIC MEETINGS

9.1. DS-2022-23 - Zone Change Application 10/22, Norman Harrison, 136 Main Street, New Dundee

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RECOMMENDATION

THAT Council approve Zone Change Application 09/22 by Norman Harrison affecting Part of Lot 1, Plan 628, to amend the zoning of the property to permit residential units to exist on the property without a commercial use.

10. PRESENTATIONS - NONE

**11. CONSENT AGENDA
RECOMMENDATION**

THAT the recommendations for Consent Items 11.1 and 11.2 be approved.

11.1. Engineering Consultant Services for Various Projects – Award of Contract, PWE-2022-28

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RECOMMENDATION

THAT Council award RFP 2022-14, Engineering Consultant Services for Various Projects to WalterFedy, as per their proposal submission dated May 5, 2022, in the base amount of \$476,965.00, plus HST; and further

THAT staff be directed to execute the provisional design and construction services submitted by WalterFedy as per their proposal subject to satisfactory performance under the authority of the Director of Public Works and Engineering and for the 2023 capital budget approval in the provisional amount of \$790,595.00; and further Plus HST; and further

THAT staff be directed to execute the Consulting Engineering Agreement documents required for WalterFedy to proceed with the scope of services and tasks contained in the proposal document.

**11.2. PWE-2022-38 - Emergency SCADA Replacement and Implementation
RECOMMENDATION**

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THAT Report No. PWE 2022-38, Emergency SCADA Replacement and Implementation be received for information.

12. REPORTS

12.1.	PWE-2022-35 - Traffic and Parking Bylaw update - Significant Snow Event Bylaw	42
	RECOMMENDATION	
	THAT Council amend the Traffic and Parking By-law to support the annual overnight parking ban and to allow the Township to declare Snow Events:	
	1. Amend Traffic and Parking By-law 2016-52 to create a new prohibition for parking on any Township of Wilmot roadway when a significant Snow Event is declared as shown in Section 1 – 11 of Schedule A of Report 2022-35	
	2. Amend Traffic and Parking By-Law 2016-52 to create a new prohibition for parking on any maintained municipal roadway at any time in a way that interferes with the movement of traffic or the clearing of snow as shown in Section 1 – 12 of Schedule A of Report 2022-35	
12.2.	PWE-2022-36 - Right of Way Work Permit By-law	47
	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 to the September 26, 2022 agenda, be approved.	
13.	CORRESPONDENCE - NONE	
14.	BY-LAWS	
	RECOMMENDATION	
	THAT By-law Nos 2022-44, 2022-45 and 2022-46 be read a first, second and third time and finally passed in Open Council this date.	
14.1.	By-law 2022-44 - Being a By-law to Further Amend By-law No. 83-38 to permit residential units to exist on the property at 136 Main Street, New Dundee	65
14.2.	By-Law No. 2022-45 - Being a By-law to Amend the Traffic and Parking By-law No. 2016-52 to Modify Parking Regulations on Highways in the Jurisdiction of the Township of Wilmot (Snow Events By-Law)	69
14.3.	By-law No. 2022-046 Being a By-law to Regulate Work on Highways Within the Township of Wilmot	71
15.	NOTICES OF MOTION - NONE	
16.	ANNOUNCEMENTS	
17.	BUSINESS ARISING FROM CLOSED SESSION	
18.	CONFIRMATORY BY-LAW	89
	RECOMMENDATION	
	THAT By-law No. 2022-47 be read a first, second and third time and finally passed in Open Council this date.	

**19. ADJOURNMENT
RECOMMENDATION**

THAT we do now adjourn to meet again at the call of the Mayor.

Council Meeting Minutes

Regular Council Meeting

September 12, 2022, 7:00 P.M.

Virtual Location

Members Present: Mayor L. Armstrong
Councillor A. Hallman
Councillor C. Gordijk
Councillor B. Fisher
Councillor J. Gerber
Councillor J. Pfenning

Staff Present: Director of Corporate Services/Treasurer P. Kelly
Director of Development Services H. O'Krafka
Karl Jeffreys
Manager of Planning/EDO A. Martin
Chief Administrative Officer, S. Chambers
A. Romany, Manager of Finance
Arthur Flach, Municipal Clerk
Planner, C. Miller
Deputy Clerk, C. Curtis

1. MOTION TO CONVENE INTO CLOSED MEETING - NONE

There was no Closed Meeting scheduled for September 12, 2022

2. MOTION TO CONVENE IN OPEN MEETING

Resolution No. 2022- 201

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT Council convenes in Open Session at 7:00 p.m.

Motion Carried

3. **MOMENT OF REFLECTION**

Mayor L. Armstrong indicated his regrets having begun this evening's meeting on a sad note.

Just prior to tonight's Council meeting, staff were advised of some terrible news out of the Region of Peel. On behalf of Council, staff and the Wilmot community. The Mayor extended the Township's deepest condolences to the friends, family and co-workers of those impacted by this incident.

One of these losses forces us to recognize the personal sacrifices made by members of the law enforcement community, first responders, and their families.

Our police service strengthens public safety and quality of life by working in partnership with the community. In moments like these we can truly understand the risk these brave individuals are forced to endure on the job every day. Let us take a moment to reflect on the tragic loss that must be felt by so many this evening.

The Mayor asked for a Moment of Silence.

The Mayor also recognized the passing of Her Majesty Queen Elizabeth II.

Last week, Wilmot Township alongside people across Canada and around the world, were saddened to learn of the passing of Her Majesty, Queen Elizabeth II, Queen of Canada.

At 96 years old, our Queen had recently celebrated a Platinum Jubilee marking 70 years of service. Her majesty was our longest-reigning Sovereign, and devoted her life to service.

On behalf of the Council and citizens of the Township, the Mayor offered heartfelt condolences on the passing of Her Majesty, Queen Elizabeth II, and on behalf of the Township extended thoughts and prayers to the Royal Family during this difficult time. Our community mourns with you.

In honour of Her Majesty, the Township has lowered all flags to half-mast at Township facilities during the official mourning period. In addition, this past Friday staff prepared a book of condolences, which is available in the lobby of the Administration Complex. Staff, Council, and residents are encouraged to take a moment to add your message or simply reflect of the life and legacy of Queen Elizabeth II. The book is available until Sunday, September 18th, after which it will be sent on behalf of the Township to Buckingham Palace.

The Mayor was deeply moved by the passing of Her Majesty. Our nation and community will forever be thankful for her service and devotion. The Queen

exemplified the leadership qualities of strength, wisdom, and grace. As the crown will now move to King Charles III, our hope is that he will continue to lead people as his mother did with the same love, compassion and respect. God save the King.

The Mayor asked that we now have a Moment of Reflection

Prior to the passing of Her Majesty, flags were lowered to recognize the tragic events in James Smith Cree Nation, Saskatchewan.

We extend our deepest condolences to those who are mourning loved ones, neighbours, and community leaders after a weekend of unspeakable violence on James Smith Cree Nation and in the village of Weldon, Saskatchewan.

We recognize that some in our very own community may have connections to those impacted by this event, while for others, these events may have triggered past traumas. These senseless acts of violence have no place in Wilmot or in our world. Our thoughts are with all those struggling with this tragic event.

The Mayor now asked for a Moment of Reflection

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor B. Fisher read the Territorial Acknowledgement.

5. ADDITIONS TO THE AGENDA - NONE

There were no additions to the agenda for this meeting.

6. ADOPTION OF THE AGENDA

Resolution No. 2022- 202

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

That the Agenda as presented for Monday September 12, 2022 be adopted.

Motion Carried

7. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

There were no disclosures of Pecuniary Interest under the Municipal Conflict of Interest Act.

8. MINUTES OF PREVIOUS MEETINGS

Resolution No. 2022- 203

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

THAT the minutes of the following meetings be adopted as presented:

- August 22, 2022 Regular Meeting of Council; and,
- August 22, 2022 Closed Meeting of Council.

Motion Carried

9. PUBLIC MEETINGS

9.1 DS-2022-19 - Zone Change Application 08/22, MHBC Planning, 2372 Snyder's Road East

Planner, C. Miller introduced the report . The application is proposing to reduce the minimal lot area and frontage requirements for a lot within Zone 1 Agricultural, The applicant is seeking to divide the property in half and sever a lot. C. Miller further elaborated that the Township of Wilmot and Region of Waterloo Official Plan policies support the severing of lots for infilling.

C. Miller discussed concerns received from an abutting land owner surrounding the impacts of the proposal on the resale of their property, grading, the ability to house non-commercial livestock, and impact of a new well. C. Miller discussed that there should be no negative impacts for the abutting land owner.

Mayor opened the floor to Nicollette van Oyen, MHBC Planning, agent of the Application who made a presentation. John Dundon, the applicant, was at the meeting to answer questions.

Ms. van Oyen provided a high-level overview of the application and provided information regarding the hydrogeological assessment, stationary noise study, and planning justification report. Ms. van Oyen discussed how this application is in policy conformity with the Provincial Policy Statement, Region of Waterloo Official Plan, Township of Wilmot Official Plan, and the Zoning By-law

In response to the question regarding the range and mix of houses and how it applies to dwellings in the area, Ms. van Oyen stated that a single detached dwelling that is being proposed.

Resolution No. 2022- 204

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT Council approve Zone Change Application 08/22 by MHBC Planning to reduce the minimum lot area and frontage requirements for a lot within Zone 1 (Agricultural) from 40 hectares and 230 metres to 0.26 hectares and 26 metres, respectively.

Motion Carried

9.2 DS-2022-20 - Zone Change Application 09/22, Lincoln Simmons, 24 Laschinger Boulevard, New Hamburg

Planner, C. Miller introduced the Zone Change Application which seeks to reduce the 15 metre setback for installation of an in-ground pool. Mr. Miller gave an overview of similar applications taking place in Wilmot. There are no remaining mature trees near the rear of the yard, which negates the need for a 15m setback.

A resident addressed concerns regarding this application's impact on surrounding wetlands. C. Miller confirmed the Grand River Conservation Authority has no concerns with the impact.

Resolution No. 2022- 205

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Council approve Zone Change Application 09/22 by Lincoln Simmons to reduce the minimum rear yard setback from 15 metres to approximately 7 metres to allow for the installation of an in-ground pool.

Motion Carried

10. PRESENTATIONS

10.1 COR-2022-30 - Sustainability Working Group – Annual Report

Manager of Finance/Deputy Treasurer, A. Romany, provided an overview of the Sustainability Working Group - Annual Report.

A. Romany provided an update to Council on sustainability measures which included the following information:

- Monitoring the Township's Green House Gas Emissions;
- Approval and participation with Transform WR;
- Installation of EV Charging Stations;
- Tree Canopy Policy Update;
- Inclusion of dedicated staffing resources towards sustainability in the 2022 Operating Budget; and,
- Other energy efficiency measures (e.g. replacement of aged HVAC, Alternate Energy Sources).

Resolution No. 2022- 206

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Report COR 2022-030, from the Sustainability Working Group be received for information purposes.

Motion Carried

10.2 Sustainable Waterloo Region Annual Report - T. Davidson

Executive Director, Sustainable Waterloo, Tova Davidson, provided Sustainable Waterloo's 2021 Annual Update to Council.

Ms. Davidson discussed the accomplishments of the organization in 2021, which included rebranding their logo, the microforest projects, new members, and the expansion of the organization's borders to include the Counties of Oxford, Perth, and Wellington.

Ms. Davidson provided an update on three programs they are working on: Green Building Network, Ambassador Program, and Community/Sustainability Lab.

Ms. Davidson discussed the Sustainable Waterloo Region 2021 Award Recipients and provided a brief overview of the award and the winners.

In response to a question regarding fuel being a CO2 emission contributor and the difficulties for the municipality to acquire electric vehicles. C. Fisher asked if converting vehicles to propane or natural gas has benefits. T. Davidson discussed the emissions of fossil fuels compared to electric.

Director of Corporate Services, P. Kelly discussed that today the Corporation ordered a hybrid and fully electric vehicles.

When asked about hybrid working environments as a mechanism to reduce greenhouse gas targets, T. Davidson provided Council with information regarding the ecological benefits and detriments of hybrid work environments.

11. **CONSENT AGENDA**

Councillor A. Hallman requested that Item 11.1 from the Consent Agenda.

Resolution No. 2022- 207

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

THAT the recommendations for Consent Items 11.2 to 11.4 be approved.

Motion Carried

11.2 ILS-2022-23 - Municipal Election Compliance Audit Committee - Appointments

THAT Staff Report ILS-2022-23 be received for information.

Motion Carried

11.3 DS-2022-21 - Removal of Holding Symbol, Tri-County Mennonite Homes, Neville Street, New Hamburg

THAT Council approve the request to remove a holding symbol made by Tri-County Mennonite Homes affecting part of Block 16, Plan 1706.

Motion Carried

11.4 DS-2022-22 - Removal of Holding Symbol, LAV Developments Inc., Brubacher Street, Baden

THAT Council approve the request to remove a holding symbol made by LAV Developments Inc. affecting Part 1, Plan 58R-19065.

Motion Carried

11.1 ILS-2022-22 - Proposed 2023 Regular Council Meeting Schedule

Municipal Clerk, A. Flach, gave an overview of the report and discussed how the Procedural By-law governs the creation of each municipal council schedule every year.

Councillor A. Hallman reached out to the International Interfaith Community to receive feedback on the Council calendar. There were numerous proposed council dates that fall on religious holidays.

Municipal Clerk, A. Flach proposed having the report referred back to staff to incorporate religious holidays.

The original motion was as follows:

THAT the following schedule for Regular Council Meetings be adopted:

- January 16, 2023
- January 30, 2023
- February 13, 2023
- February 27, 2023
- March 6, 2023
- March 20, 2023
- April 3, 2023
- April 17, 2023
- May 8, 2023
- May 29, 2023
- June 12, 2023
- June 26, 2023
- July 24, 2023
- August 28, 2023
- September 11, 2023
- September 25, 2023
- October 16, 2023
- October 30, 2023

- November 13, 2023
- November 27, 2023
- December 11, 2023

Resolution No. 2022- 208

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

That the report ILS-2022-22 be referred back to Staff to account for religious holidays in the scheduling of Council meetings for the year 2023; and further,

That the Procedural By-law take into consideration religious holidays when scheduling Council meetings.

Motion Carried

12. REPORTS - NONE

13. CORRESPONDENCE

13.1 2021 Financial Information Return (FIR) Award

Director of Corporate Services, P. Kelly, thanked staff across the organization in multiple service areas and Council and the collaborative work environment.

Mayor Armstrong congratulated staff for the award.

14. BY-LAWS

Resolution No. 2022- 209

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT By-law Nos 2022-39, 2022-40, 2022-41, 2022-42 be read a first, second and third time and finally passed in Open Council this date.

Motion Carried

14.1 By-law 2022-039 Being a By-law to Amend By-law 83-38 re Zone Change Laschinger Blvd

14.2 By-law 2022-040 Being a By-law to Amend By-law 83-38 re Zone Change Snyder's Road East

14.3 By-law 2022-041 Being a By-law to Remove Holding Provision H (Neville Street)

14.4 By-law 2022-042 Being a By-law to Remove Holding Provision H (Brubacher Street)

15. NOTICES OF MOTION - NONE

There were no notices of motion for this meeting.

16. ANNOUNCEMENTS

New Hamburg Fall Fair

The New Hamburg Fall Fair started with a small group of people coming together to celebrate all things agriculture over 160 years ago. The entire community shares in the joy and excitement of organizers and volunteers as the Fall Fair makes its return this weekend at Norm Hill Park in New Hamburg.

This years' theme is aptly named "Back to Our Roots", and the fair is sure to provide fun for the entire family, with some new features and a collection of community favourites from previous years.

A huge thanks to all the sponsors and volunteers who make this weekend a success in supporting our rural agriculture community.

Wilmot Citizen of the Year

This Friday evening, at the Fall Fair, Township staff will be presenting the Citizen of the Year Awards.

Each year, the Township recognizes community members who make outstanding contributions to Wilmot and its residents. The awards acknowledge residents who build community and exemplify what can be achieved with passion and determination.

We received a large number of nominations for each category, and after a public voting period, we look forward to announcing the winners live from the Fall Fair. Be sure to join us for the announcement, and follow us on social media for the results.

Fall Fair Booth

This year, Township staff will be hosting a booth at the indoor venue of the Fall Fair. Be sure to visit our booth to learn more information about this years'

Municipal Election processes, where there are More Days and More Ways to vote.

The booth will also have information regarding career opportunities with the Township, details about recreation programs for the whole family, and more.

Communications Strategy

Staff are currently working on a corporate communications and engagement strategy because we want to improve how we share information and hear from members of our community.

We know we can do better, and so we have launched a public online survey to help inform this strategy. Our goals are to help ensure the community is better informed about Township programs, services and decisions, and that the community has a meaningful voice in local decision making. For more information, visit our website or follow us on Facebook and Twitter.

Enova Announcement

Finally, the merger of Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc. is now complete, and they are now untied under the brand Enova Power Corp.

Executives and board members of Enova Power Corp. joined mayors and local officials last Thursday to officially unveil the new name and brand of the merged entity.

Enova Power Corp. (Enova Power) began operations today and is now the 7th largest electricity distributor in Ontario. I want to thank staff for the significant work that occurred over the past 2 years to reach this point, the teamwork and collaboration across the five (5) member municipalities showcased what makes our communities so successful.

Councillor Gordijk acknowledged Fred Fox, Terry Fox's brother visited the Township of Wilmot. Mr. Fox visited numerous locations across Wilmot. September 17th at Sobeys there is a bbq where all proceeds will go to the Terry Fox Foundation. The Wilmot Terry Fox Run will take place on September 18th for the first time since 2019.

17. BUSINESS ARISING FROM CLOSED SESSION - NONE

There was no Closed Meeting for this date.

18. CONFIRMATORY BY-LAW

Resolution No. 2022- 210

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT By-law No. 2022-43 be read a first, second and third time and finally passed in Open Council this date.

Motion Carried

19. ADJOURNMENT

Resolution No. 2022- 211

Moved by: Councillor J. Gerber

Seconded by: Councillor J. Pfenning

THAT we do now adjourn to meet again at the call of the Mayor.

Motion Carried



DEVELOPMENT SERVICES

Staff Report

REPORT NO: DS 2022-023

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sharon Chambers, CAO

DATE: September 26, 2022

SUBJECT: Zone Change Application 10/22, Norman Harrison, 136 Main Street, New Dundee

RECOMMENDATION:

THAT Council approve Zone Change Application 09/22 by Norman Harrison affecting Part of Lot 1, Plan 628, to amend the zoning of the property to permit residential units to exist on the property without a commercial use.

SUMMARY:

The subject property is designated Settlement Core in the Township Official Plan and is zoned Zone 5 (Commercial) within the Township Zoning By-law 83-38, as amended. The property contains a mixed use building with one residential unit and one vacant commercial unit.

This application proposes to amend the zoning to permit residential units to exist in the building without a commercial use.

The Settlement Core designation is intended to provide for a full range of residential, commercial, institutional and other service uses. As such, providing flexibility within the current

zoning that reserves the ability for mixed uses within the building is appropriate and is supported by the policies of the Township Official Plan.

BACKGROUND:

Notice of a Public Meeting was given to property owners within 120 metres of the subject lands on August 31, 2022. The following is a summary of comments received prior to the Public Meeting.

Public

No comments received.

Agencies

GRCA – indicating no concerns.

Region of Waterloo – indicating no concerns.

REPORT:

The subject property is designated Settlement Core in the Township Official Plan and is zoned Zone 5 (Commercial) within the Township Zoning By-law 83-38, as amended.

The current zoning of the property, Zone 5, permits residential units above a permitted commercial use along with one residential unit on the main floor attached to a commercial use.

The property currently contains a mixed use building with one (1) residential unit and one (1) commercial unit. The commercial unit, formerly the New Dundee Library, is vacant with no demand for rental. As such, the applicant wishes to utilize the entire building as one residential unit by converting the commercial unit into additional living space. Existing parking is provided at the rear of the property off of North Street.

No concerns or comments were received through circulation of the application. Staff are of the opinion that proposed building conversion is an appropriate land use and in conformity with the Township Official Plan.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The approval of infilling residential uses maximizes the use of existing infrastructure and reduces the demand for additional greenfield lands to accommodate all residential development which are both strategies in achieving the Township's goal to protect the natural environment.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:

Goal 11: Sustainable Cities and Communities – providing a range of housing options enhances the sustainability of the community.

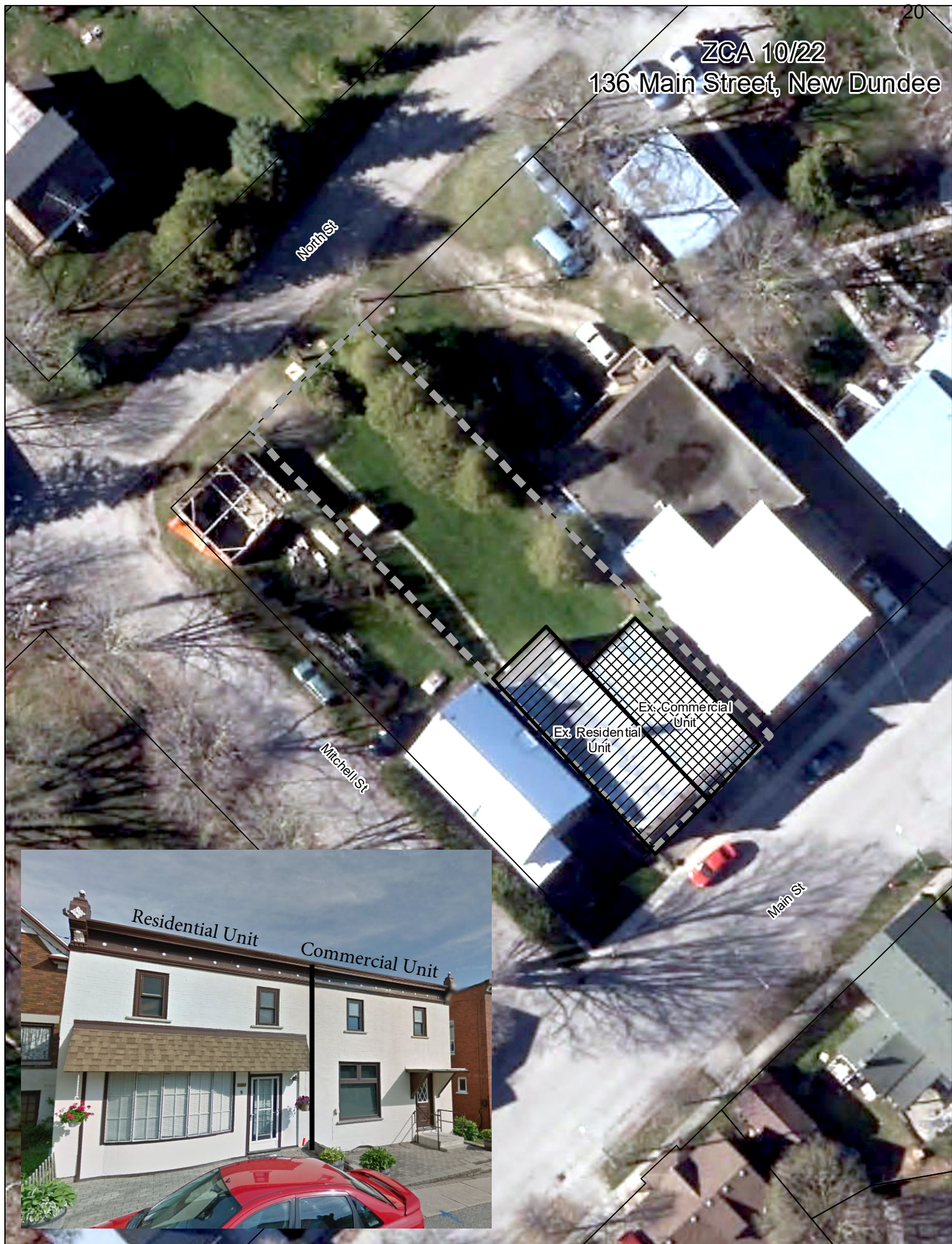
FINANCIAL CONSIDERATIONS:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

ATTACHMENTS:

Attachment A Site Plan

ZCA 10/22
136 Main Street, New Dundee





PUBLIC WORKS AND ENGINEERING *Staff Report*

REPORT NO: PWE 2022-28

TO: Council

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

PREPARED BY: Bryan Bishop, C.E.T, Manager of Engineering
Nate Fach, Senior Engineering Technologist

REVIEWED BY: Sharon Chambers, CAO
Patrick Kelly, CPA, CMA, Director of Corporate Services/ Treasurer

DATE: September 26, 2022

SUBJECT: Engineering Consultant Services for Various Projects – Award of
Contract

RECOMMENDATION:

THAT Council award RFP 2022-14, Engineering Consultant Services for Various Projects to WalterFedy, as per their proposal submission dated May 5, 2022, in the base amount of \$476,965.00, plus HST; and further

THAT staff be directed to execute the provisional design and construction services submitted by WalterFedy as per their proposal subject to satisfactory performance under the authority of the Director of Public Works and Engineering and for the 2023 capital budget approval in the provisional amount of \$790,595.00; and further Plus HST; and further

THAT staff be directed to execute the Consulting Engineering Agreement documents required for WalterFedy to proceed with the scope of services and tasks contained in the proposal document.

SUMMARY:

This report outlines the proposal processes and recommends award of consulting services for various core infrastructure reconstruction or rehabilitation projects throughout the Township. The scope of work for each project generally consists of design and construction services.

The base projects included in this RFP were approved by Council as part of the 2022 budget process, with some works occurring throughout 2022 and 2023 based on design/approvals and construction schedules. Provisional projects and scopes initiated in 2023 and 2024 works are included as provisional in the recommendation subject to consultant performance and Council budget approvals

BACKGROUND:

Engineering consulting services for the recommendation of the base amount of \$476,965.00 are required for the various reconstruction projects in the Township of Wilmot include:

- Victoria Street (Hwy 7/8 to Boullee Street) – Design and Construction Services for full underground and road reconstruction Works
- Boullee Street (Victoria Street to Hamilton Road) – Design and Construction Services for full underground and road reconstruction Works
- Bergey Court, New Hamburg (Bleams Road to west limit) – Design Services – Multi-use trail, minor storm culvert and roadworks

The proposed base projects for the above require an engineering consultant to be retained to undertake the full multi year engineering process, including topographic surveys, preliminary and final design, public consultation, procurement, approvals, construction and warranty process. The proposed base projects and a brief description of the work required along with the extent of engineering services required for each is provided below.

Bergey Court (Design year 2022)

- Improvements include minor storm culvert works, granular road base, asphalt surface, concrete curb and gutter.
- This project was originally considered in the annual hot mix project scope for 2022; however, preliminary geotechnical investigation indicated more scope of base granular works were required to adequately address road structure deficiencies and the incorporation of active transportation network in the area as provided in the Wilmot Trails Master Plan.
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation and approvals.

Victoria Street and Boullee Street (Design year 2022/2023)

- Improvements include replacement of the watermain, sanitary and storm sewer systems, granular road base, asphalt surface, concrete curb and gutter and sidewalks.
- The project also includes the Region transmission watermain, and potential development-related system expansions, that will involve cost-sharing administration.

To reduce overall capital outlays and with the hiring of new staffing complements the Township will complete the preliminary / final design, public consultation, approvals and procurement for Greenwood Drive and Casselholme Crescent. A brief description of the work required for each is provided below.

Greenwood Drive

- Improvements include the replacement of the watermain, sanitary and storm sewer systems, granular road base, asphalt surface and the proposed new installation of concrete curb, gutter and sidewalks.

Casselholme Crescent

- Improvements include the replacement of the watermain, granular road base and asphalt surface.

Further to the recommendation of the provisional projects and scope in the amount of \$790,595.00 design and/or construction services are required for:

Greenwood Drive

- 2023 construction services only, including contract administration, fulltime onsite inspection, 2 year warranty and project close out.

Casselholme Crescent

- 2023 construction services only, including contract administration, fulltime inspection onsite, 2 year warranty and project close out.

Bergey Court

- 2023 construction services only, including contract administration, fulltime inspection onsite, 2 year warranty and project close out.

Sandhills Road (Snyder's Rd to Erbs Rd)

- 2023 design services only, for the improvements of roadworks and potential bike lane on both sides of the road
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation, approvals and procurement.

Victoria Street (Webster St. to Waterloo St.)

- 2023 design services only, for the improvements including replacement of the watermain, sanitary and storm sewer systems, granular road base, asphalt surface, sidewalks and the proposed new installation of concrete curb and gutter.
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation, approvals and procurement.

Webster Street (Victoria St. to Waterloo)

- 2023 design services only, for the improvements including replacement of the watermain, sanitary and storm sewer systems, granular road base, asphalt surface, sidewalks and the proposed new installation of concrete curb and gutter.
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation, approvals and procurement

Stone Street (End to Huron St.)

- 2023 design services only, for the improvements including replacement of the watermain and storm sewer systems, granular road base, asphalt surface and proposed installation of new concrete curb, gutter and sidewalks.
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation, approvals and procurement

Centennial Crt. (End to Huron St.)

- 2023 design services only, for the improvements including replacement of the watermain, sanitary and storm sewer systems, granular road base, asphalt surface and proposed installation of new concrete curb, gutter and sidewalks.
- WalterFedy will be responsible for preparation of preliminary and final drawings, public consultation, approvals and procurement.

REPORT:

The Township has requested proposals from qualified consulting engineers to be retained to oversee and undertake the design, tendering, contract administration, site inspection and warranty period related to this multi-project. The intent is to have the detailed design of the base scope completed in 2022-2023 while the remainder of the engineering services for the base scope related to tendering, construction services are to be provided in 2023-2024. The engineering consultants were required to provide a proposal which included preliminary and final design, preparation and attendance at a Public Information Centre, preparation of engineering drawings, liaison with approval agencies, construction cost estimates, tender preparation, contract administration, site inspection, disbursements, cost-sharing administration where applicable, warranty and close out. The base amount of \$476,965.00 for these engineering consulting services is provided in the recommendation.

In addition, provisional items were included with design-only scopes for various reconstruction projects that are tentatively scheduled for 2023, subject to Council approval of the 2023 budget and the performance of WalterFedy. These projects include Sandhills Road in Baden, Victoria Street (north) in New Hamburg, Webster Street in New Hamburg, Stone Street in New Hamburg, and Centennial Crescent in New Hamburg. Provisional scope for engineering consulting services are required for construction services for Greenwood Drive, Casselholme Crescent., and Bergey Court. The provisional amount of \$790,595.00 for all of these engineering consulting services is provided in the recommendation.

In past years, staff would typically engage with a number of different engineering consultants on each individual project. This previous approach required additional administrative time for procurement and engineering staff. With significant capital project investments, this RFP document has included various project scopes to allow for process efficiencies, economies of scale, cost savings and ideally will allow for timely and more anchored service delivery from one consultant. In addition to this, some cost savings will be realized with Township staff performing in-house design services for the completion of Greenwood Drive and Casselholme Crescent.

On April 7, 2022, the request for proposal was made available online through the Township's online e-bidding site. There was a total of thirteen (13) proposal takers, with five (5) proposals received at time of close on May 5, 2022.

Proponent	Location
AECOM Canada Ltd.	Markham, Ontario
GM BluePlan Engineering Ltd.	Guelph, Ontario
GRIT Engineering Inc.	Stratford, Ontario
MTE Consultants Inc.	Kitchener, Ontario
WalterFedy	Kitchener, Ontario

An internal selection committee consisting of staff from Public Works and Engineering reviewed and evaluated the proposals based on the following evaluation criteria:

Section	Component	Weighting (%)
1	Company Profile, Team Structure & Staff Qualifications	15
2	Understanding & Approach/ Methodology	25
3	Experience and References	15
4	Schedule/Work Plan	15
5	Proposal Fee Estimate	30

The proposals were independently evaluated and scored for adequacy to address the requested project scope. Following that, the proposal fee estimates were evaluated separately, and a final selection was made based on the comprehensive evaluation criteria.

As a result of the highest-ranking proposal, WalterFedy is recommended to be authorized for award and undertake this multi-project.

WalterFedy demonstrated a comprehensive understanding of the scope of the proposal that was requested and addressed the anticipated engineering undertakings within their proposal.

WalterFedy has extensive reconstruction project experience on similar projects within the Township and across the Region. WalterFedy also identified a strong, highly experienced, locally situated project team to be engaged with the Township for the duration of the contract.

As the irrevocable period has expired Township staff have contacted WalterFedy for confirmation that they will hold their competitive price. WalterFedy is agreeable with the revised scope and prepared to execute on the projects listed above. If Council proceeds with award of this proposal submission, the Township will authorize WalterFedy to proceed with the RFP 2022-14 Engineering Consultant Services for Various Projects required for the completion of the tasks identified within the RFP document.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This initiative supports the goals and strategies of enhancing:

- Quality of Life through Active Transportation and Transit investments; and
- Responsible Governance through Active Communications, Fiscal Responsibility and Infrastructure Investments.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:

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

FINANCIAL CONSIDERATIONS:

The total award under this report is as follows:

Project name	Service Type	Consultant Costs
Greenwood Dr.	Provisional Construction Services (Phase 2)	\$95,075
Casselholme Cr.	Provisional Construction Services (Phase 2)	\$89,090.00
Bergey Crt.	Design/Approvals (Phase 1)	\$85,225.00
Bergey Crt	Provisional Construction Services (Phase 2)	\$95,075.00
Victoria / Boullee	Design/Approvals (Phase 1)	\$118,650.00
Victoria / Boullee	Construction Services (Phase 2)	\$273,090.00
2023-2023 AWARD	Total Base	\$476,965.00

	Total Provisional	\$279,240.00
Sandhills Rd.	Provisional Design/ Approvals (Phase 1)	\$167,300.00
Victoria St.	Provisional Design / Approvals (Phase 1)	\$93,945.00
Webster St.	Provisional Design/Approvals (Phase 1)	\$87,300.00
Stone St	Provisional Design/Approvals (Phase 1)	\$81,340.00
Centennial Cr.	Provisional Design/Approvals (Phase 1)	\$81,470.00
2023/2024 Award	Total Base Total Provisional	\$0 \$511,355.00

The total base amount of \$476,965 newt of HST rebate. As this pertains to several existing capital projects, costs will be allocated to each project accordingly.

The budget for this scope of work was included in the 2022 Capital Program and is noted below:

Funding Source	Amount
Bergey Court, New Hamburg (Phase 1 Design Services)	\$146,300
Victoria Street and Boullee Street, New Hamburg	\$591,500
Greenwood Drive, New Hamburg (Provisional)	\$800,000
Casselholme Crescent, New Dundee (Provisional)	\$726,000
Bergey Court, New Hamburg (Phase 2 Provisional)	See above
Sandhills Road, Baden (Provisional)	\$322,700
Victoria Street, New Hamburg (Provisional)	\$190,000
Webster Street, New Hamburg (Provisional)	\$190,000
Stone Street, New Hamburg (Provisional)	\$116,500
Centennial Crescent, New Hamburg (Provisional)	\$58,500
Total Budget	\$2,263,800

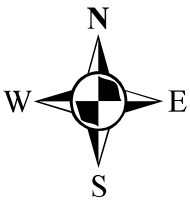
Although the total budget appears to well exceed the award amount, other works were also inclusive in the 2022 Capital Program. Engineering Consultant Services for these various projects are anticipated to remain within its budget allocation.

ATTACHMENTS:

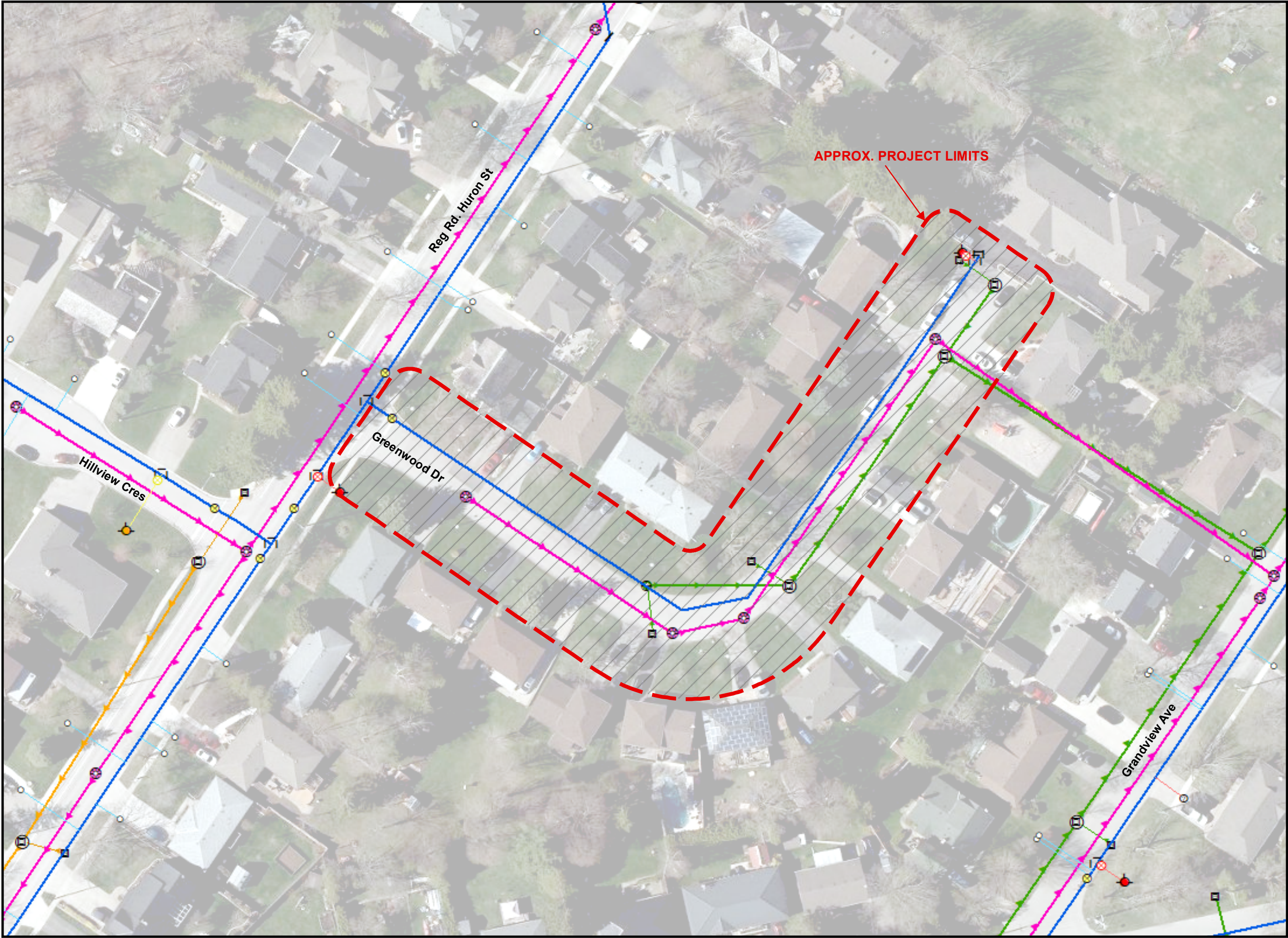
Various Engineering Project Maps

GREENWOOD DR
NEW HAMBURG

LOCATION MAP
FOR
CONSTRUCTION
SERVICES
(PROVISIONAL)

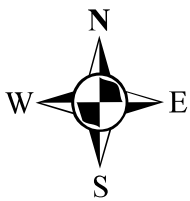


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	1 of 11

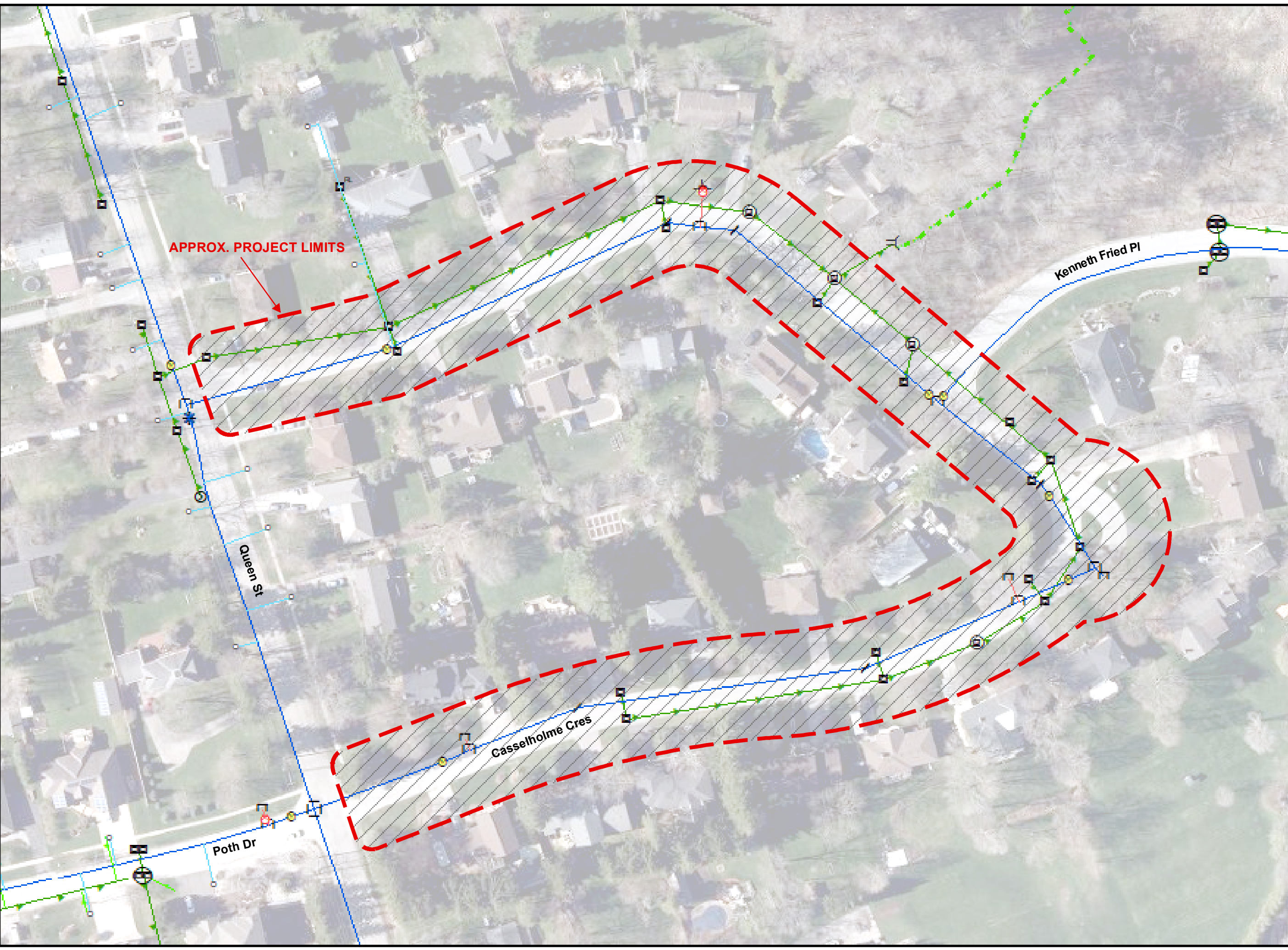


**CASSELHOLME
CRESENT
NEW DUNDEE**

**LOCATION MAP
FOR
CONSTRUCTION
SERVICES
(PROVISIONAL)**

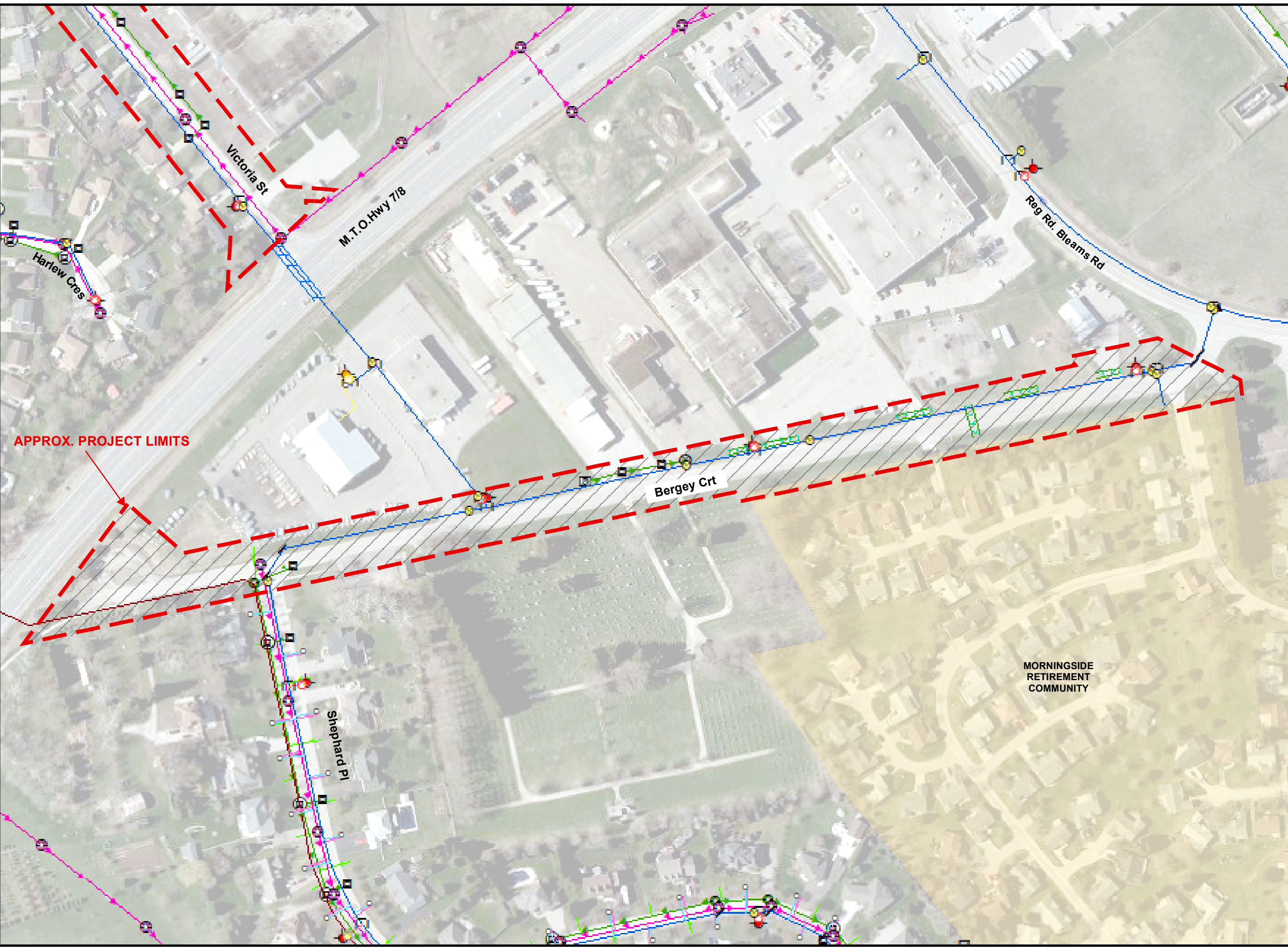
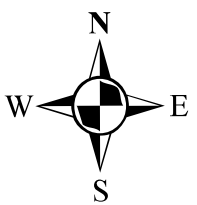


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	2 of 11



**BERGEY COURT
NEW HAMBURG**

**LOCATION MAP
FOR DESIGN &
CONSTRUCTION
(PROVISIONAL)
SERVICES**



APPROX. PROJECT LIMITS

Bergey Crt

MORNINGSIDE
RETIREMENT
COMMUNITY

Shephard Pl

Victoria St

M.T.O. Hwy 7/8

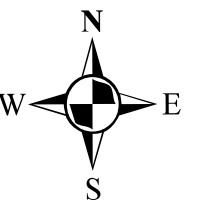
Reg Rd, Bleams Rd

Harlew Cres

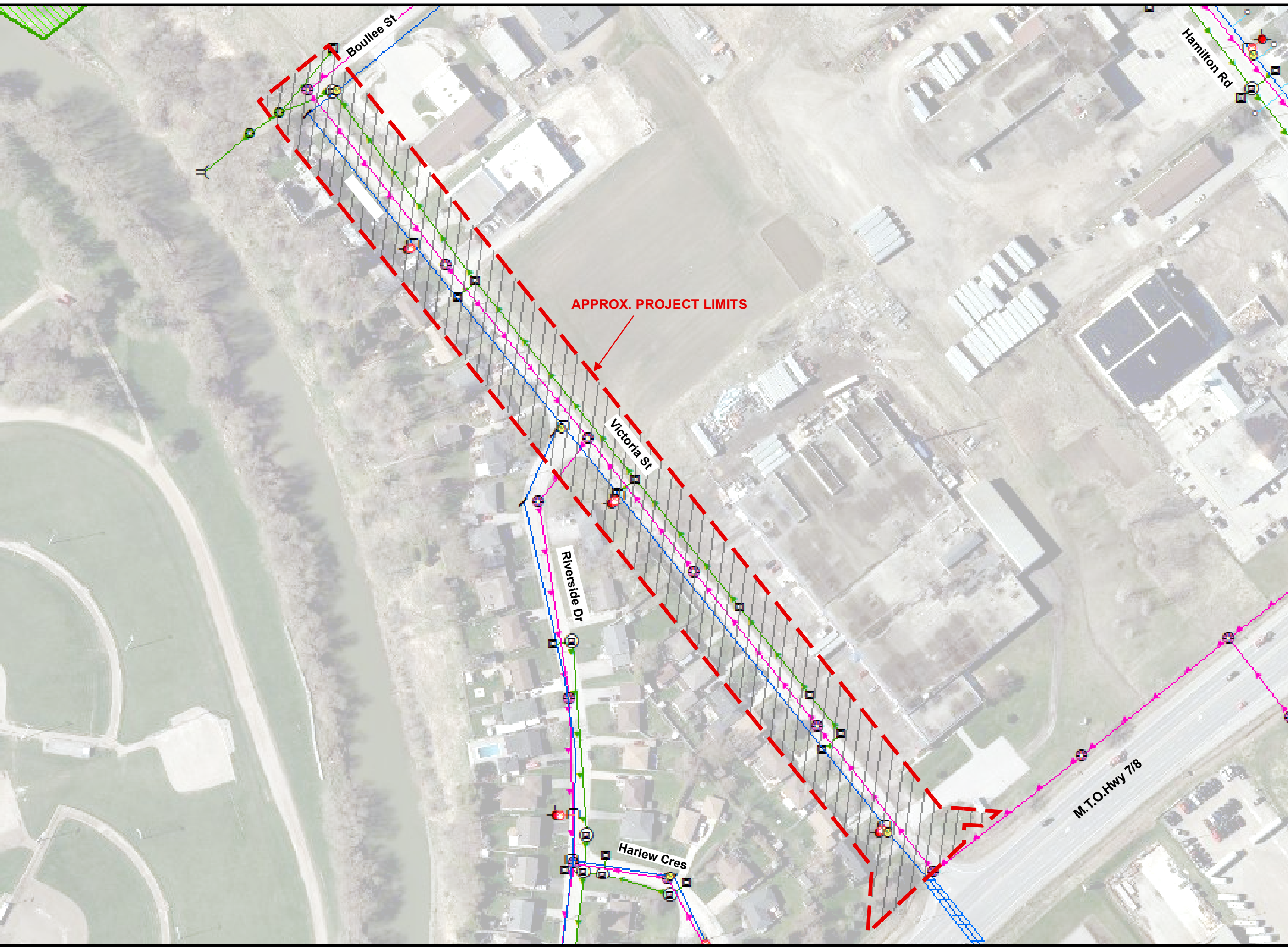
DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	3 of 11

**VICTORIA STREET
BOULEE TO
HWY 7/8
NEW HAMBURG**

**LOCATION MAP
FOR DESIGN AND
CONSTRUCTION
SERVICES**

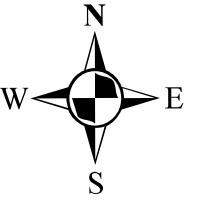


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	4 of 11

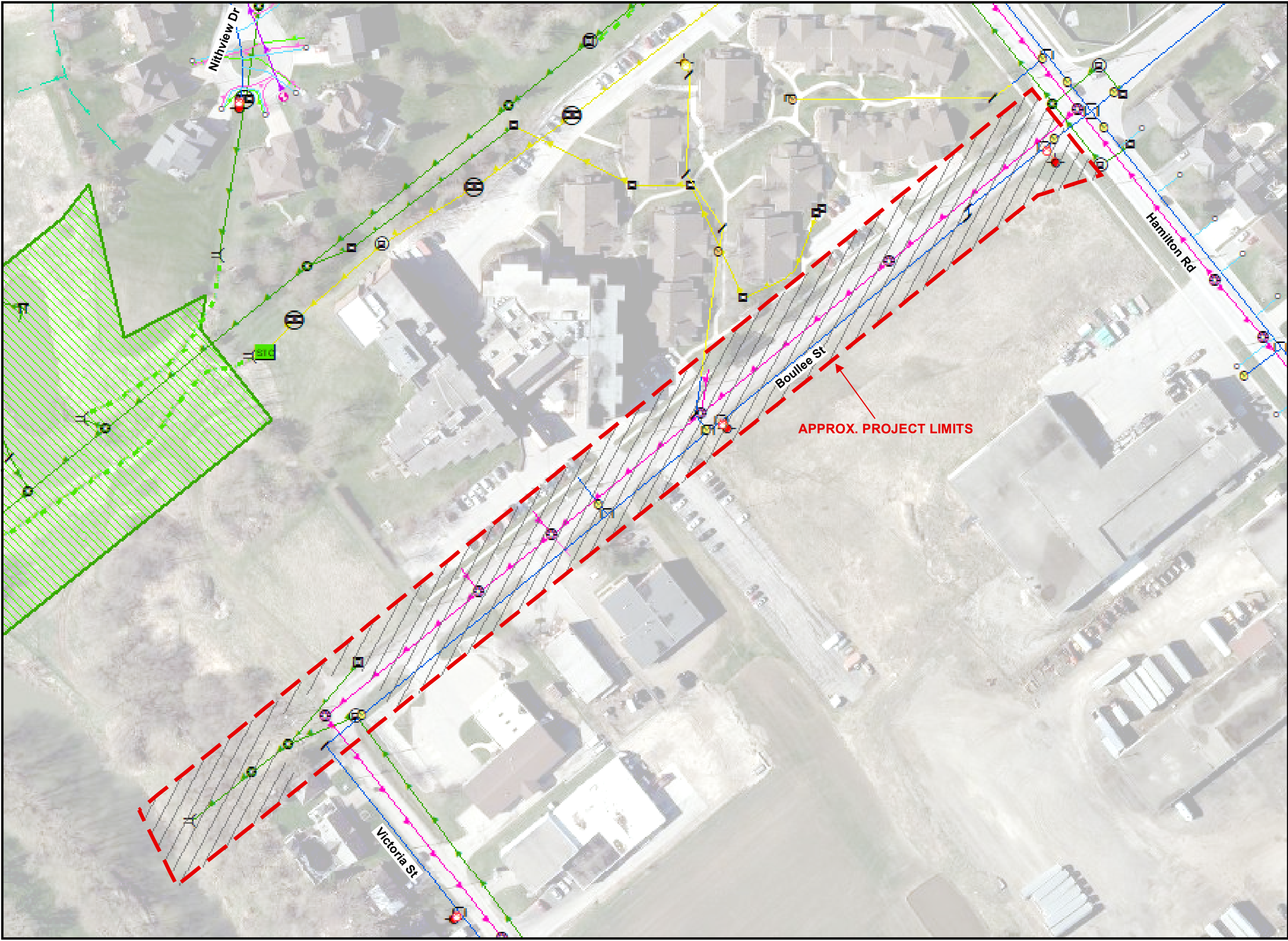


**BOULEE STREET
NEW HAMBURG**

**LOCATION MAP
FOR DESIGN &
CONSTRUCTION
SERVICES**

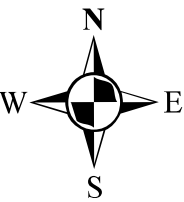


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	5 of 11

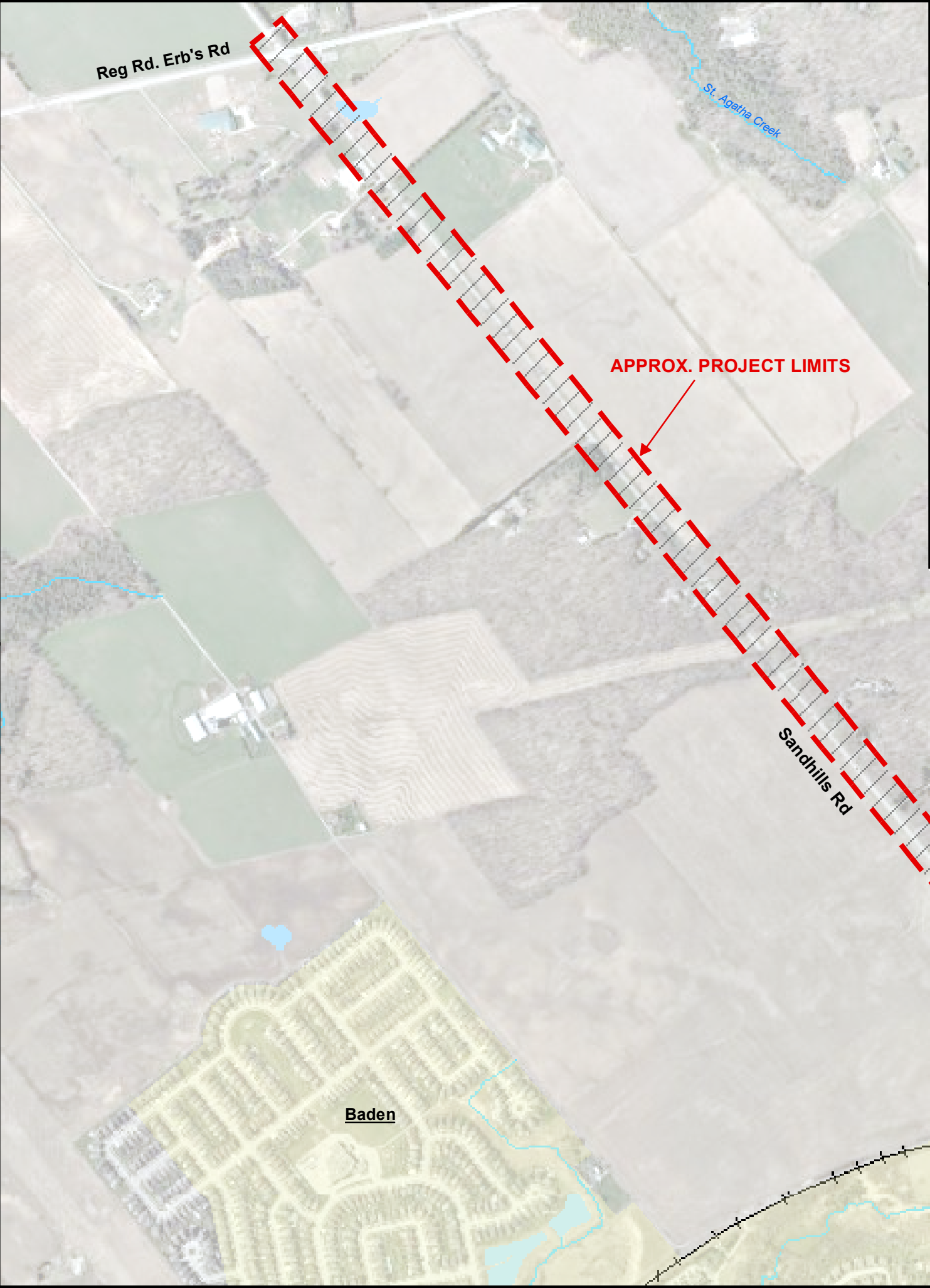
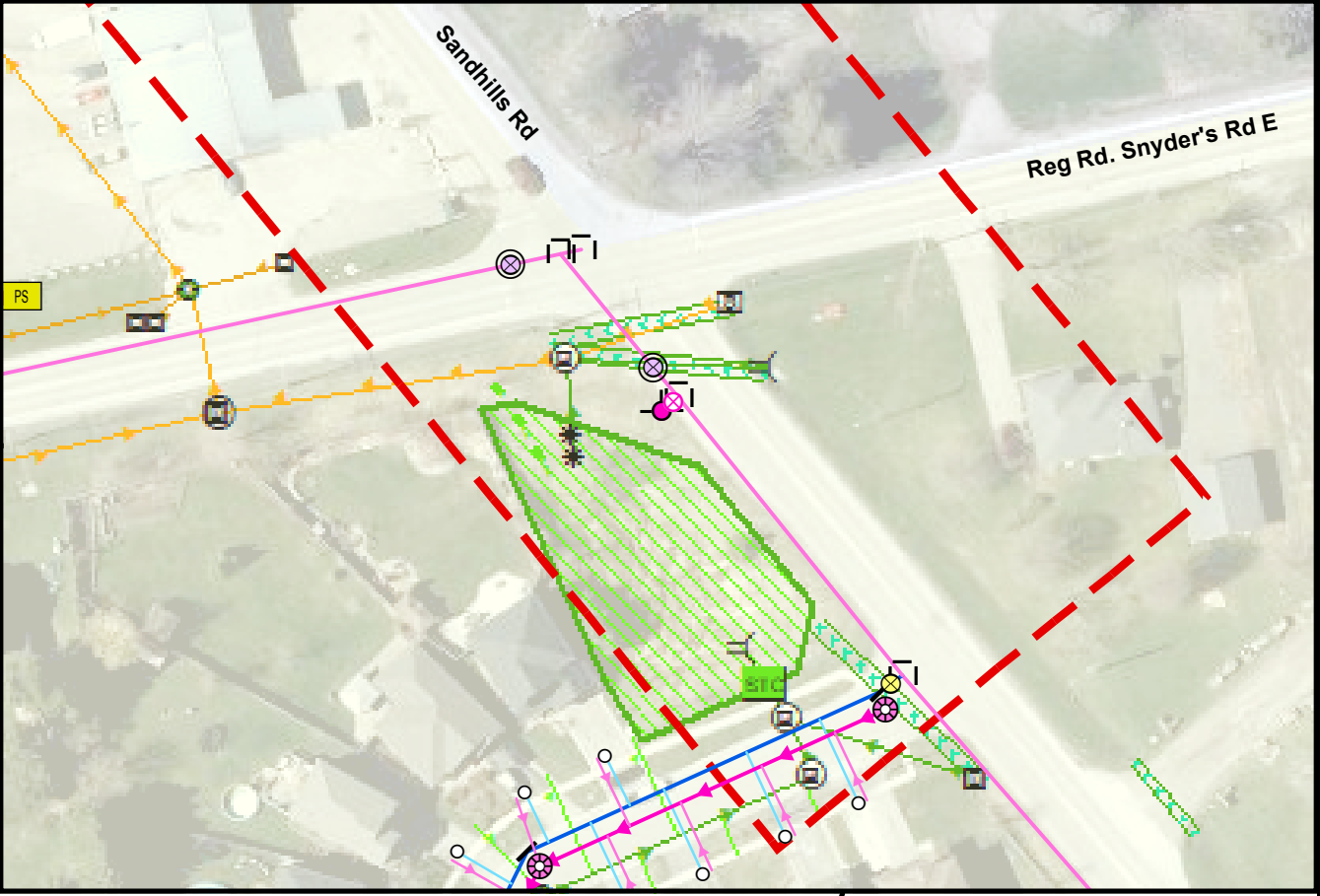


**SANDHILLS ROAD
BADEN**

**LOCATION MAP
FOR 2023 DESIGN
SERVICES
(PROVISIONAL)**

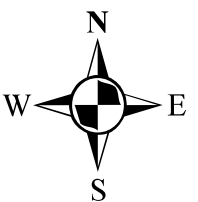


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	6 of 11

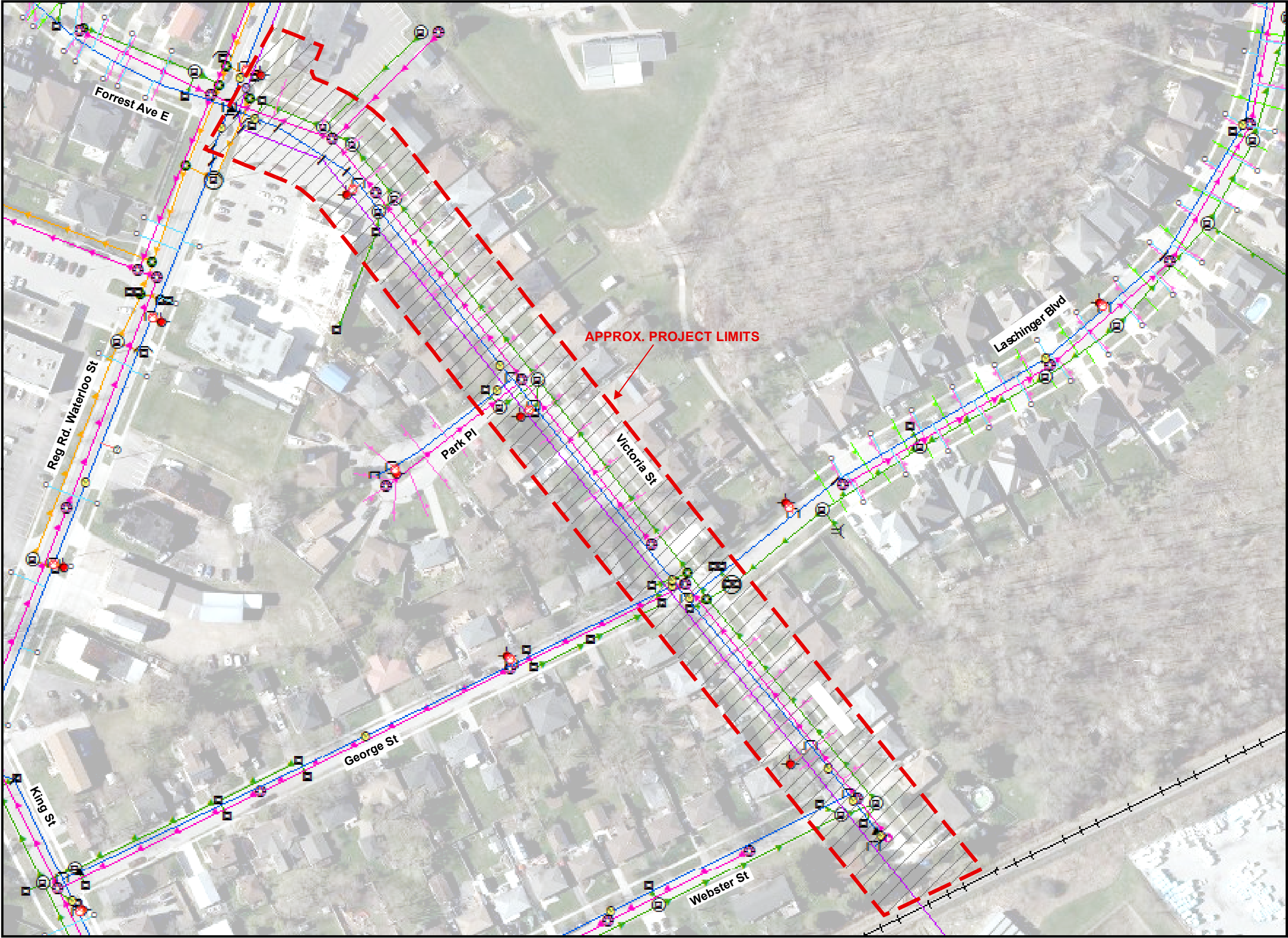


VICTORIA STREET
NEW HAMBURG

LOCATION MAP
FOR 2023 DESIGN
SERVICES
(PROVISIONAL)

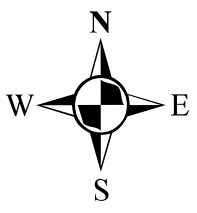


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	7 of 11

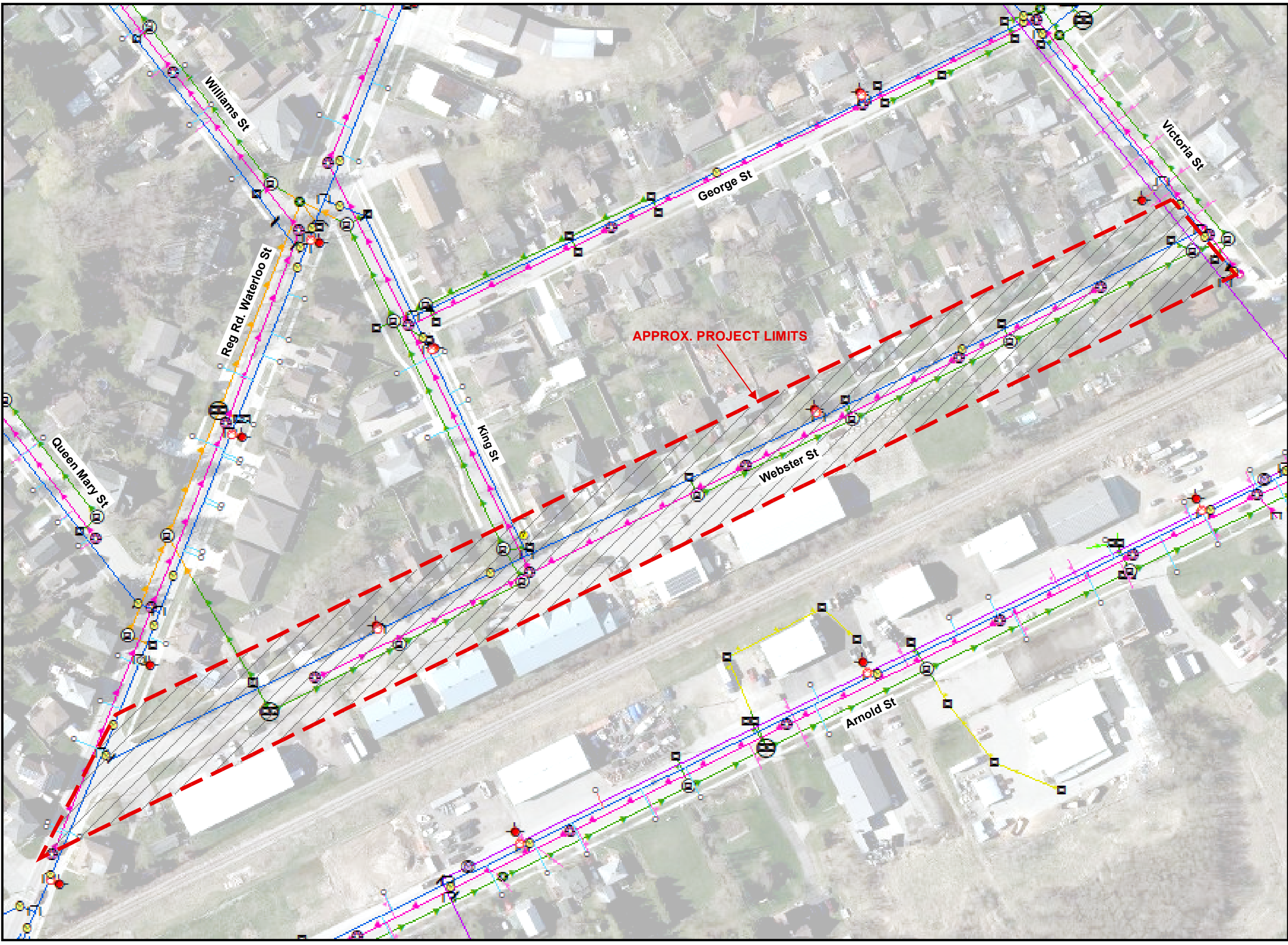


**WEBSTER
STREET
NEW HAMBURG**

**LOCATION MAP
FOR 2023 DESIGN
SERVICES
(PROVISIONAL)**

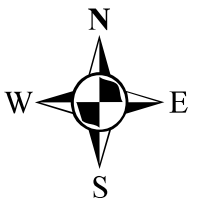


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	8 of 11

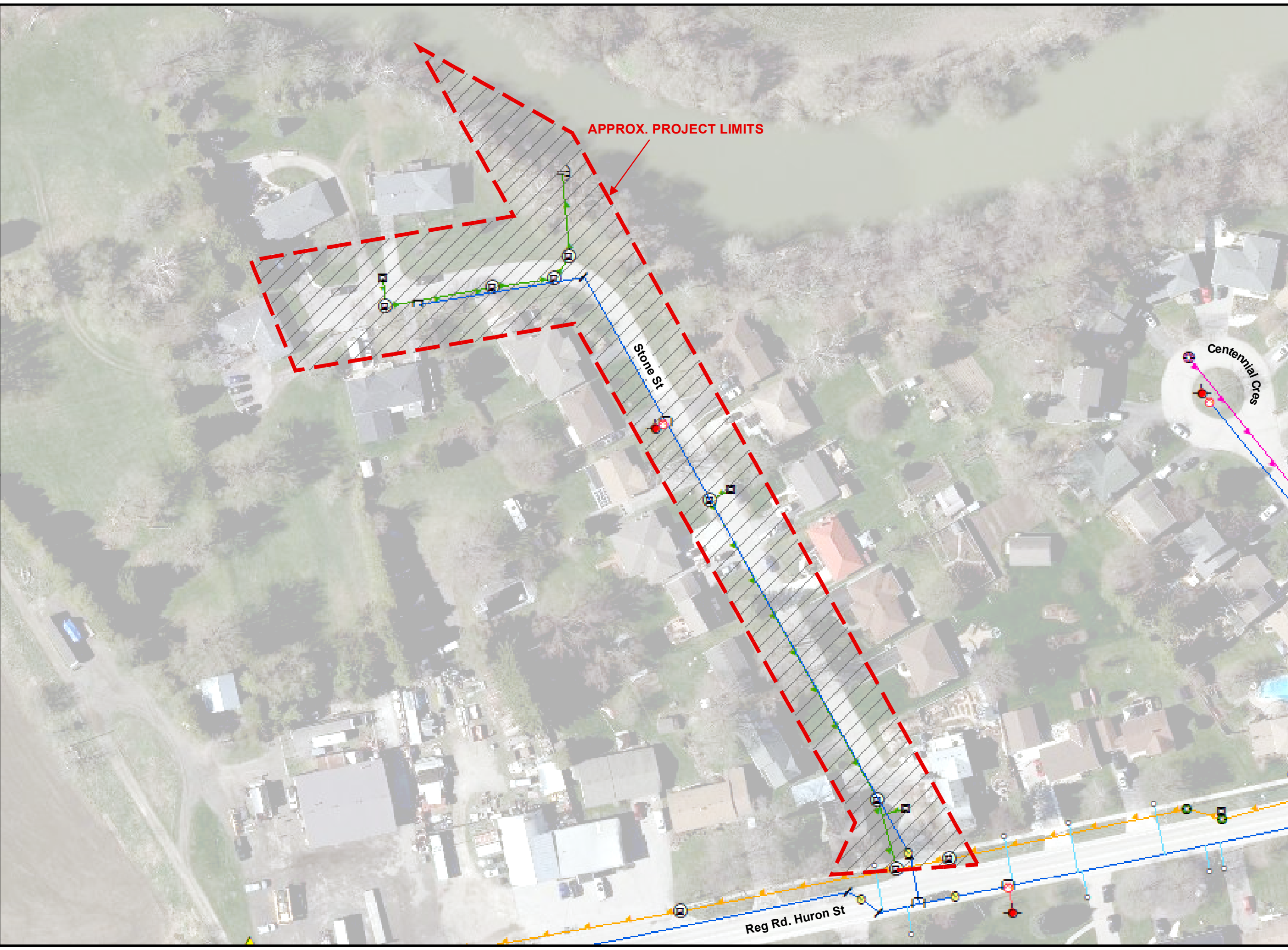


**STONE STREET
NEW HAMBURG**

**LOCATION MAP
FOR 2023 DESIGN
SERVICES
(PROVISIONAL)**

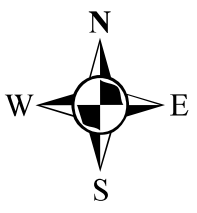


DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	9 of 11

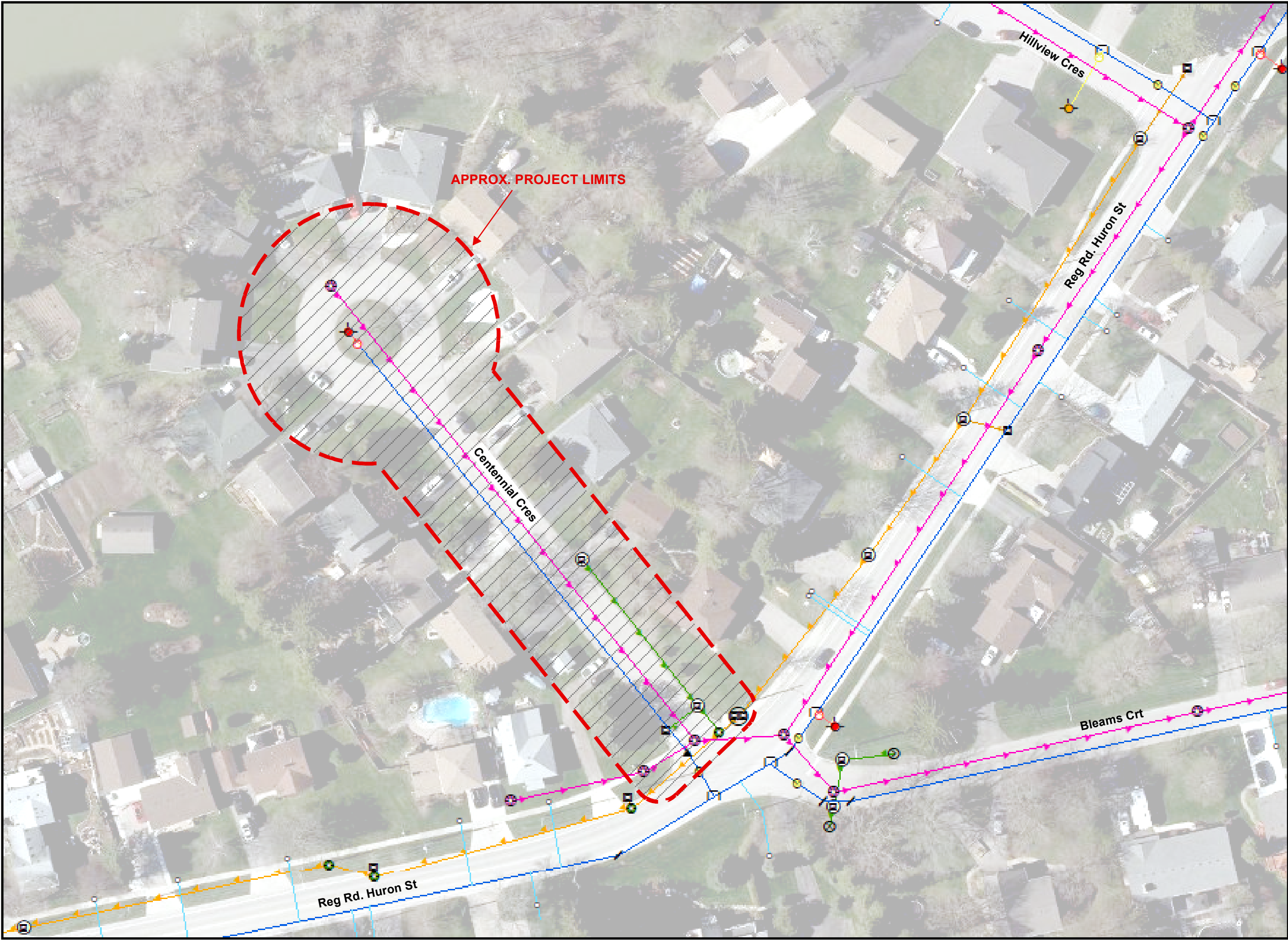


**CENTENNIAL
CRESCENT
NEW HAMBURG**

**LOCATION MAP
FOR 2023 DESIGN
SERVICES
(PROVISIONAL)**




DATE	SEPT 2022
PROJECT NO.	RFP 2022-14
SCALE	N.T.S
SHEET NO.	10 of 11






















Legend


Water_Valves

 <all other values>


VALVE_TYPE, OWNER


-  AIR RELIEF CHAMBER, REGION OF WATERLOO
-  AIR RELIEF CHAMBER, WILMOT
-  BLOWOFF, PRIVATE
-  BLOWOFF, REGION OF WATERLOO
-  BLOWOFF, WILMOT
-  BUTTERFLY CHAMBER, REGION OF WATERLOO
-  BUTTERFLY, REGION OF WATERLOO
-  CHECK CHAMBER, WILMOT
-  CURB STOP, WILMOT
-  DRAIN CHAMBER, REGION OF WATERLOO
-  GATE CHAMBER, DUAL - ROW AND WILMOT
-  GATE CHAMBER, REGION OF WATERLOO
-  GATE CHAMBER, WILMOT
-  GATE, CITY OF KITCHENER
-  GATE, DUAL - ROW AND WILMOT
-  GATE, PRIVATE
-  GATE, REGION OF WATERLOO
-  GATE, WILMOT
-  PRESSURE REDUCING, REGION OF WATERLOO


Water_Service_Valves


 <all other values>


VALVE_TYPE, OWNER


- CURB STOP, PRIVATE
- CURB STOP, REGION OF WATERLOO
- CURB STOP, WILMOT
- 

GATE, WILMOT
- 

HYDRANT, DUAL - ROW AND WILMOT
- 

HYDRANT, DUAL- ROW AND WILMOT
- 



HYDRANT, PRIVATE
- 



HYDRANT, REGION OF WATERLOO
- 

HYDRANT, WILMOT


Water_Hydrants

OWNER






-  DUAL - ROW AND WILMOT
-  PRIVATE

-  REGION OF WATERLOO
-  WILMOT


Water_Fittings

 <all other values>








FITTING_TYPE

-  BEND
-  CAP
-  CROSS
-  REDUCER
-  TEE


Water_Services

 <all other values>








TYPE, OWNER

-  HYDRANT, DUAL - ROW AND WILMOT
-  HYDRANT, PRIVATE
-  HYDRANT, REGION OF WATERLOO
-  HYDRANT, WILMOT
-  SERVICE, PRIVATE
-  SERVICE, REGION OF WATERLOO
-  SERVICE, WILMOT


Water_Mains

 <all other values>






OWNER, LINED






-  DUAL - ROW AND WILMOT, N
-  DUAL - ROW AND WILMOT, Y
-  PRIVATE, N
-  REGION OF WATERLOO, N
-  REGION OF WATERLOO, Y
-  WILMOT, N
-  WILMOT, Y

Sanitary_Devices

 <all other values>





DEVICE_TYPE

-  AIR RELIEF CHAMBER
-  BEND
-  CHECK VALVE
-  CLEANOUT
-  FLOW METERING CHAMBER


-  HEADWALL
-  MH
-  PLUG
-  REDUCER
-  VALVE

Sanitary_Pumping_Stations

OWNER

-  PRIVATE
-  REGION OF WATERLOO
-  WILMOT
-  Sanitary_Overflows


Sanitary_Lateral

 <all other values>







OWNER

-  PRIVATE
-  WILMOT


Sanitary_Linear

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OWNER, FLOW_TYPE














-  PRIVATE, FORCE
-  PRIVATE, GRAVITY
-  REGION OF WATERLOO, FORCE
-  REGION OF WATERLOO, GRAVITY
-  WILMOT, FORCE
-  WILMOT, GRAVITY

Storm_Devices


 <all other values>

DEVICE_TYPE




-  BEND
-  CB
-  CBMH
-  CLEANOUT
-  DCB
-  DCBMH
-  DDICB
-  DI
-  DICB
-  DICBMH

-  DIMH
-  HEADWALL
-  INLET
-  MH
-  OUTFALL
-  OUTLET
-  PLUG
-  REDUCER
-  RISER
-  RLCB
-  SICB
-  SICBMH
-  STORMCEPTOR

Storm_Linear











 <all other values>

OWNER

-  PRIVATE
-  REGION OF WATERLOO
-  WILMOT




Storm_Lateral

TYPE, OWNER

-  CB LEAD, PRIVATE
-  CB LEAD, REGION OF WATERLOO
-  CB LEAD, WILMOT
-  SERVICE, PRIVATE
-  SERVICE, REGION OF WATERLOO
-  SERVICE, WILMOT
-  SUBDRAIN, PRIVATE
-  SUBDRAIN, REGION OF WATERLOO
-  SUBDRAIN, WILMOT
-  Storm_Overland

Culverts

CULVERT_TY

-  DRIVEWAY
-  ROAD
-  Storm_Facilities

LEGEND

DATE
SEPT 2022

PROJECT NO.

SCALE

SHEET NO.



PUBLIC WORKS AND ENGINEERING

Staff Report

REPORT NO: PWE 2022-38

TO: Council

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

PREPARED BY: Mark Jeffery C.E.T., Senior Engineering Technologist

REVIEWED BY: Sharon Chambers, CAO
 Patrick Kelly CPA, CMA Director of Corporate Services / Treasurer

DATE: September 26, 2022

SUBJECT: Emergency SCADA Replacement and Implementation

RECOMMENDATION:

THAT Report No. PWE 2022-38, Emergency SCADA Replacement and Implementation be received for information.

SUMMARY:

This report provides background information for the emergency replacement of the Township's SCADA system, the measures to be taken by staff for the replacement and implementation of the works, timelines and the anticipated financial implications of the emergency works.

BACKGROUND:

Supervisory Control and Data Acquisition (SCADA) is utilized in the Township's sanitary lift stations that enables the Township to collect real-time data from the stations, transfer the information to the central computer facility at the Wilmot Administration Complex to be monitored and stored, and can also display real time data to the operator graphically or in text form. The SCADA system also allows for employees to monitor and control the lift stations from multiple

locations and can turn devices on or off remotely, allowing for pro-active system management and response before sewage pumping issues become critical.

An operational and functioning SCADA system is required by the Township to ensure lift station data is collected and retained in the event this information is requested by the Ministry of Environment, Conservation and Parks (MECP) for review.

In 2020, the Township undertook a corporate condition assessment study for all facilities, including our sanitary lift stations. During this study, it was identified that the current SCADA system was approximately 10 years old, operating with either discontinued and obsolete equipment, and nearing end of useful life. During the 2021 budget process, Corporate Services and Public Works and Engineering jointly proposed a project for SCADA replacement in three (5) of the five (5) lift stations with an anticipated value of \$150,000. This project, Lift Station SCADA Replacement, was supported by Council and incorporated into the annual business plan.

REPORT:

On June 10th, 2022, the SCADA system used to monitor operational activities at the Township's sanitary lift stations became inoperative. The IT Services team sourced the issue and replaced the damaged part on two (2) separate occasions but after the part failed the second time, the central problem was identified to be in the motherboard circuit. After two (2) unsuccessful attempts at correcting the problem, it was decided that spending additional funds on this repair was not a viable solution as the long-term outcome was unknown. It was determined that the best course of action was to proceed directly with an emergency replacement of the Lift Station SCADA system.

A specialized third-party consultant familiar with the operation of the Township's lift stations was contacted and they confirmed that their firm had the capacity to take on this project in the near term. Township staff finalized a scope of work for the replacement and implementation of the lift station SCADA system and the scope was forwarded to the third-party consultant for pricing.

As per the Procurement By-Law 2021-43, where purchasing as a result of the following Special Provisions, such as Emergencies, the Treasurer and CAO have the authority to authorize a direct purchase, upon receiving written or verbal request from a Purchasing Agent, for the goods and services required. In this case, because of the criticality of operational SCADA to wastewater system operations, the Treasurer and CAO provided authorization to proceed with the emergency works in order to reduce the amount of downtime for the system as the process for RFP could add 3-6 months delay in implementing a solution.

The quote received for the emergency SCADA replacement by the third-party consultant was found to be reasonable and within budget considering the short timelines given for implementation. A purchase order authorizing the work program identified in the scope for the amount of \$148,569.60, net of HST was issued.

To initiate the project, a kick-off meeting was held between Township staff and the consultant in early September 2022. Staff can report that the consultant plans to have all works installed, implemented and operational by spring 2023. In the interim, staff will be relying on a float-notification alarm system in place of SCADA as a temporary measure only.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This initiative supports the goals and strategies of enhancing:

- Responsible Governance through Fiscal Responsibility, and Infrastructure Investments.
- Quality of Life through Accessibility and Inclusivity, Active Transportation and Transit.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:

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

FINANCIAL CONSIDERATIONS:

The capital budget for this project is outlined below:

Funding Source	Amount
Infrastructure Reserve Fund - Sanitary	\$ 150,000
Total Budget	\$ 150,000

The anticipated cost for the emergency replacement and implementation of the Lift Station SCADA system is estimated to be \$148,569.60, net of HST. As such, costs are projected to remain within the approved budget allocation for this project.

ATTACHMENTS:

None



PUBLIC WORKS AND ENGINEERING

Staff Report

REPORT NO: PWE-2022-35

TO: Council

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

PREPARED BY: Bryan Bishop, C.E.T., Manager of Engineering
 Connor Payne, Technical Program Coordinator

REVIEWED BY: Sharon Chambers, CAO

DATE: September 26, 2022

SUBJECT: Traffic and Parking Bylaw update - Significant Snow Event Bylaw

RECOMMENDATION:

THAT Council amend the Traffic and Parking By-law to support the annual overnight parking ban and to allow the Township to declare Snow Events:

1. Amend Traffic and Parking By-law 2016-52 to create a new prohibition for parking on any Township of Wilmot roadway when a significant Snow Event is declared as shown in Section 1 – 11 of Schedule A of Report 2022-35
2. Amend Traffic and Parking By-Law 2016-52 to create a new prohibition for parking on any maintained municipal roadway at any time in a way that interferes with the movement of traffic or the clearing of snow as shown in Section 1 – 12 of Schedule A of Report 2022-35

SUMMARY:

This report outlines the purpose of the proposed by-law, the communication plan, enforcement requirements and how the Township will declare for Snow Events. It is anticipated that the benefits of this proposed by-law amendment will provide for better winter control clearing capabilities for staff and residents and will support response times to significant winter storm events.

BACKGROUND:

The current Traffic and Parking By-law (By-law 2016-52, as amended) states that no person shall park on any highway between the hours of 2:30 am and 6:00 am unless otherwise permitted by this by-law. This is the only section of the by-law that allows By-law staff to issue tickets to vehicles parked on the roadway during winter months.

The deficiency of the current system is that some residents leave their vehicles parked on the road during daytime hours while major snow events are occurring, which slows the overall response time as winter control operators must try to maneuver past and around these vehicles. At times streets cannot be plowed safely or efficiently by staff and the effort to clear the streets of snow must be delayed until owners move their vehicles or are ticketed and towed. It would typically require an additional route trip to clear the windrows and remaining snow accumulation left from moving around parked cars. Periodic damage to snowplows and parked vehicles can occur when winter control operators attempt to navigate narrower roads as a result and leave windrows of snow around vehicles for owners to clear. Having additional options for winter parking infractions will allow By-law staff to be proactive when issuing parking tickets during the day in addition to early morning enforcement efforts when the Township is preparing for significant Snow Events.

Staff have posted 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. An overwhelming majority of respondents are favourable with minimal opposition.

The Municipalities in Waterloo Region have coordinated their Traffic and Parking By-Laws to provide consistency in structure, phrasing, and content across the Region. The By-law is organized by Parts and Schedules with the Parts explaining the components or restrictions, and the Schedules list the location where that corresponding component or restriction occurs. Currently the Cities of Waterloo, Kitchener, and Cambridge, as well as the Township of North Dumfries, Wellesley and Woolwich, declare Snow Events.

REPORT:

Through various Region of Waterloo and area municipality working groups, Township staff reviewed the existing traffic and parking by-law to identify areas that can be improved in both operational and organizational respects. This review identified a need for a parking ban during critical winter storm events to help ease the operational burden for snow clearing efforts during

significant winter weather events. This by-law aims to improve the effectiveness of snow clearing operations and ensure they are carried out in a safe and efficient manner.

Declaring a Snow Event:

The Director of Public Works and Engineering or their designate will be responsible for declaring the Snow Event and the following parameters will guide how Snow Events will be declared:

1. Staff will attempt to declare a Snow Event by 5:00p.m. on the affected day whenever possible, providing time for media outlets to broadcast the information during 6:00p.m. and early morning newscasts.
2. The declaration will remain in place for a minimum of 24 hours from the time the Snow Event is declared. The expected duration will be announced with each event and may be subject to change according to weather conditions. The declaration of a Snow Event may be canceled prior to the 24-hour period if the snowfall is not as significant as anticipated.
3. Staff will attempt to declare snow events in conjunction with area municipality counterparts for a more consistent and predictable approach for public and communication purposes.
4. A general threshold for these types of events to be declared will be snowfall accumulating to a depth of 15cm of snow in 12 hours as per Environment Canada's criteria for snowfall warnings. However, an event may also be declared where deemed necessary based on snowfall conditions and cumulative patterns.

Communication Plan:

Upon declaration of the snow event, township staff will send a message through our communications team who can advise the public of the declared event through the following means:

- Share with local tv and radio broadcast partners
- Share to Township Social Media Platforms
- Update Township snow event webpage
- Share through an email sign up list on the Snow event webpage

Enforcement Practices:

Parking is prohibited on any Township road or street at any time (day or night) during a declared Snow Event. Vehicles parked on the road or street during a declared Snow Event can be ticketed and possibly towed. Ticketing by By-law staff, with assistance from designated Operations staff, can commence from the time that the Snow Event is declared and will continue until it is over or cancelled.

During normal winter operations, when a Snow Event is not declared, By-law staff will enforce the Traffic and Parking By-law including the total parking ban from December 1st to March 31st

between the hours of 2:30am and 6:30am. If winter control operators have difficulty clearing a roadway due to the locations of parked cars, By-law staff will issue a ticket for “parked interfering with snow clearing” section of the proposed by-law amendment. Vehicles will be ticketed if they are parked on a roadway that has not been plowed or salted, or where the road has been plowed but there is an obvious windrow of snow around a parked vehicle, or as requested by the Supervisor of Roads or their designate.

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:

There are no financial considerations associated with this report.

ATTACHMENTS:

Schedule “A” – Proposed Snow Event By-Law



The Corporation of the Township of Wilmot

By-law No. 2022-xx

A By-law to amend the Traffic and Parking By-law No. 2016-52 to modify Parking Regulations on Highways in the jurisdiction of the Township of Wilmot (Snow Events By-law)

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001 c.25 provides that a local municipality to pass by-laws respecting its highways, including parking and traffic on highways; and

WHEREAS on November 21, 2016, the Council of The Corporation of the Township Wilmot passed By-law No. 2016-52 being a By-law to Regulate Traffic and Parking on Highways under the Jurisdiction of the Township of Wilmot; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT HEREBY ENACTS AS FOLLOWS:

1. THAT Part V of By-law 2016-52 respecting “parking and Stopping Restrictions” is amended by adding the following hereto:

11. Snow Event

- a) No person shall park or stop a vehicle on any highway during a snow event as identified through a Township media advisory and posting on the Township’s website
 - b) A snow event shall commence at either 5 pm or 12 am and extend for a minimum of 24 hours unless canceled through a posting on the Township’s website

12. Winter Parking

- a) No person shall park a vehicle on any highway in such a manner as to interfere with the movement of traffic or the cleaning of snow or ice.

2. THAT Part II of By-law 2016-52 respecting “definitions” is amended by adding the following hereto:

40. “snow event” means a period of time when winter weather is forecast that would require snow removal, snow plowing or salting operations.

3. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this day of 2022

Mayor

Clerk



PUBLIC WORKS AND ENGINEERING

Staff Report

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
 Connor Payne, Technical Program Coordinator

REVIEWED BY: Sharon Chambers, CAO

DATE: September 26, 2022

SUBJECT: Right of Way Work Permit Bylaw

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

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2022-XX

BEING A BY-LAW TO REGULATE WORK ON HIGHWAYS WITHIN THE TOWNSHIP OF WILMOT

WHEREAS section 11(3)1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Act**”), authorizes a municipality to pass by-laws respecting highways;

AND WHEREAS section 27(1) of the Act states that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS section 35 of the Act states that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS section 128 of the Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT HEREBY ENACTS AS FOLLOWS:

Part I – Short Title

1. This by-law may be cited as the “Right-of-Way By-law”.

Part II – Definitions

2. For purposes of this by-law:

- (a) “**boulevard**” means that part of a highway from the edge of the roadway to the nearest lateral property line, but does not include a shoulder, sidewalk or multi-use trail;
- (b) “**Council**” means the Council of The Corporation of the Township of Wilmot;
- (c) “**Director**” means the Director of Public Works and Engineering of the Township, or his or her designate;
- (d) “**driveway**” means that part of a highway that provides vehicular access to and from the roadway to an adjacent property;
- (e) “**Emergency Work**” means unforeseen work that is necessary immediately because of imminent danger to life, health or property including, but not limited to:
 - (i) a washout or cave-in;
 - (ii) drainage impediment or ponding;

- (iii) soft spot;
 - (iv) settlement of the highway surface greater than 50mm;
 - (v) damaged or leaking water or gas pipe;
 - (vi) damaged, plugged or leaving sanitary or storm sewer pipe;
 - (vii) damaged underground electrical or communications facility;
 - (viii) damaged or downed aboveground or overhead utility structure including, but not limited to, a poll, anchor, guy wire, support strand, cable, splice enclosure, pedestal or cabinet; or,
 - (ix) unscheduled interruption of utility service;
- (f) **“highway”** means a ‘highway’ as defined in section 1(1) of the Act over which the Township has jurisdiction and, for greater certainty, the term ‘highway’ includes what is listed under section 26 of the Act as well as any boulevards and sidewalks on such highways;
- (g) **“infrastructure”** includes, but is not limited to, any public or private Utility Structure, copper or coaxial wire, fibre optic cable, pipe, conduit, pedestal, cabinet, antenna, vault, support structure, bus stop facility, culvert, noise barrier, fence, guiderail, barricade, traffic island, traffic control device, sign, light, rail facility, pavement, subgrade, manhole, catch basin, hand well, valve chamber, valve box, curb, gutter, sidewalk, driveway, mailbox, hydrant, sod, berm, ditch or watercourse;
- (h) **“lane”** means that part of a highway that accommodates a single line of moving or parked vehicles;
- (i) **“Municipal Law Enforcement Officer”** means a person appointed in accordance with section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- (j) **“person”** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (k) **“Police Officer”** means a ‘police officer’ as defined under the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- (l) **“Region”** means the Regional Municipality of Waterloo;
- (m) **“sidewalk”** means that part of a highway with a surface improved with asphalt, concrete or gravel for the use of pedestrians
- (n) **“Township”** means The Corporation of the Township of Wilmot;

- (o) **“Township Costs”** means labour, material, equipment and administrative costs incurred by the Township as a result of the work, including but not limited to, costs for temporary or permanent traffic control devices, costs where the person or persons to whom the permit was issued has failed to comply with any of the requirements of this by-law, and costs for restoration of infrastructure in, on, over, under, across or along a highway damaged by the work, as deemed necessary by the Director;
- (p) **“Utility Structure”** includes, but is not limited to, storm sewer, sanitary sewer, watermain, gas, oil, hydro, telecommunications and traffic control signal equipment, plant, facilities, and structures, whether in, on, over, under, across or along a highway;
- (q) **“vehicle”** includes, but is not limited to, a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power including muscular power;
- (r) **“Warranty Period”** means a period of two (2) years after the restoration of infrastructure in, on, over, under, across or along a highway damaged by the work, or longer as required by the Director, within which time the person or persons to whom the Work Permit was issued must ensure that the restoration, together with all materials used in completing the restoration, complies with this by-law;
- (s) **“work”** means any excavation, cut or trench or other project to install, construct, place, move, remove, relocate, adjust, alter, clean, maintain, test, repair, replace, improve, or restore infrastructure in, on, over, under, across or along a highway, including any work that extends from a highway to private property, or any occupation of a highway for work adjacent to a highway;
- (t) **“Work Permit”** means a Work Permit issued under this by-law; and,
- (u) **“Work Zone”** means the portion or section of a highway in which the work will be undertaken.

Part III – General Prohibitions

- 3. No person shall, or permit another person to, at any time, undertake any work on, over, under, across or along a highway, including Emergency Work, without first having obtained a Work Permit in accordance with the provisions of this by-law.
- 4. Without limiting the generality of section 3 of this by-law, no person shall, or permit another person to, at any time, create, alter or expand a driveway from a highway to a property over a boulevard without first having obtained a Work Permit in accordance with the provisions of this by-law.
- 5. No person who has been issued a Work Permit shall, or permit another person to, at any time, fail to comply with a condition of a Work Permit.

6. No person shall, or permit another person to, at any time, leave or allow anything to remain on a highway that could reasonably pose a danger to the health, safety and well-being of persons or property including, but not limited to, something that affects the normal flow of vehicular or pedestrian traffic on a highway or something that negatively impacts visibility on a highway.
7. No person shall, or permit another person to, at any time, place any sports equipment on a highway including, but not limited to, basketball nets, hockey nets or skateboarding equipment.

Part IV – Exemptions

8. The provisions of this by-Law do not apply to any of the following:
 - (a) the Township;
 - (b) the Region; or,
 - (c) a person who has entered into an agreement with the Township which permits them to undertake work on a highway.

Part V – Applying for a Work Permit

9. Every person shall apply for and obtain a Work Permit prior to undertaking any work on, over, under, across or along a highway, including Emergency Work.
10. An application for a Work Permit shall be submitted at least seven (7) business days prior to any work being undertaken on a highway, unless the Work Permit pertains to Emergency Work.
11. An application for a Work Permit shall be in the name of the person or persons performing the work.
12. A person must apply for a Work Permit by filling out the form prescribed by the Director and shall provide to the Director, at a minimum:
 - (a) their name, title (if applicable), company/organization name (if applicable), street address, telephone number and email address;
 - (b) a description of the Work Zone, including the names of all highways intersecting or otherwise impacted by the Work Zone;
 - (c) a description of the type and purpose of work being proposed, including whether the work is in, on, over, under, across or along any highways over which the Region has jurisdiction;
 - (d) any construction drawings associated with the work;
 - (e) the proposed depth, width and length of any excavation, cut or trench;
 - (f) the scheduled start date of the work and the length of time estimated to complete the work;
 - (g) an indication as to whether any of the following are being proposed:

- (i) any closure of, or restrictions of access on, to or from, all or part of a highway;
 - (ii) the removal or bagging of one or more parking meters;
 - (iii) any parking prohibitions;
 - (iv) the relocation of a bus stop;
 - (v) any change to pavement markings; or,
 - (vi) any change to a traffic control device, including a temporary adjustment to traffic control signal timing or interference with a traffic signal loop;
- (h) an indication as to whether the work for which the Work Permit being sought is Emergency Work and, if so, the nature of the emergency;
- (i) a signed indemnity, satisfactory to the Director, indemnifying and saving harmless the Township from any and all claims, demands, suits, actions, judgments made, brought or recovered against the Township and from all loss, costs, damages, charges or expenses that may be incurred, sustained or paid by the Township by reason of the granting of the Work Permit;
- (j) a certificate of insurance for the proposed work, naming the Township as an additional insured, in a form and for an amount satisfactory to the Director;
- (k) any fees and charges imposed by the Township's *Fees and Charges By-law*; and,
- (l) any additional information or documentation in relation to the proposed work, as required by the Director.
13. No person applying for a Work Permit shall knowingly provide false information to the Director or otherwise to the Township.

Part VI – Work Permits

14. The Director may issue, refuse to issue, or issue with conditions, a Work Permit for any proposed work on a highway.
15. The Director may impose any conditions on a Work Permit that the Director feels is reasonably necessary in order to ensure minimal disruption or interference and to ensure the health, safety and well-being of persons and property.
16. In considering whether to issue, refuse to issue, or issue with conditions a Work Permit, the Director shall have regard to, at a minimum:

- (a) whether the work is necessary;
 - (b) whether the work proposed to be undertaken is Emergency Work;
 - (c) whether the proposed design, location, or timing of the work is appropriate;
 - (d) whether the work is likely to be carried out in compliance with the Work Permit and this by-law;
 - (e) any relevant past conduct of the person or persons applying for a Work Permit as it relates to performing work on a highway; or,
 - (f) a conflict with a previously scheduled activity for which the Township has granted a permit.
17. Once issued, all Work Permits shall expire, and be of no force or effect, on the date and at the time outlined on the Work Permit or, if not otherwise outlined on the Work Permit, within ninety (90) days of its issuance by the Director.
18. At any time after the Director has granted a Work Permit, the Director may:
- (a) impose, add or change the conditions of an issued Work Permit, upon giving notice to the person or persons for whom the Work Permit was issued; and,
 - (b) extend the date and time on which the Work Permit will expire and be of no force or effect.
19. At any time after the Director has issued a Work Permit, the Director may suspend or revoke a Work Permit:
- (a) for a contravention of any of the provisions of this by-law, any other by-law, or any federal or provincial law;
 - (b) if the Director was provided with false or misleading information on the Work Permit application;
 - (c) if a condition imposed on a Work Permit has been contravened; or,
 - (d) to ensure the health, safety and well-being of persons or property.
20. If a Work Permit is suspended or revoked by the Director, the Director shall immediately notify the person or persons to whom the Work Permit was issued, in writing, that the Work Permit has been suspended or revoked and, if suspended, the length of any such suspension.
21. A Work Permit is not transferable to any other person or persons.
22. A Work Permit shall only be valid for the Work Zone for which it is issued.
23. Only the work for which a Work Permit is issued shall be conducted under a Work Permit.

Part VII - Emergency Work

24. Any person undertaking Emergency Work shall, to the fullest extent possible, comply with the provisions of this by-law unless such compliance would result in an increased danger to the health, safety and well-being of persons or property.

Part VIII – General Permit Conditions

25. The person or persons to whom the Work Permit is issued shall notify the Township, in writing, at least five (5) business days in advance of any work being undertaken on a highway.
26. In addition to any conditions imposed on a Work Permit, every person undertaking work on a highway pursuant to a Work Permit shall:
- (a) produce the Work Permit to the Director, a Municipal Law Enforcement Officer or a Police Officer immediately upon demand;
 - (b) comply with all municipal by-laws (including this by-law) as well as provincial and federal laws including, but not limited to, those pertaining to safety, noise, trees, water resources, oversize loads, traffic control devices, railway crossings and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended;
 - (c) comply with the Ministry of Transportation of Ontario's *Ontario Traffic Manual Book 7 Temporary Conditions*, as amended or replaced;
 - (d) notify the Director, at least five (5) business days in advance, when the work:
 - (i) requires a change to an existing traffic control signal;
 - (ii) requires that the Township prohibit parking on a highway; or,
 - (iii) may interfere with a traffic signal loop.
 - (e) notify the Director, at least five (5) business days in advance, when the work requires the closure of all or part of a highway;
 - (f) undertake the work in accordance with any applicable Township specifications for highway construction;
 - (g) apply and remove temporary pavement markings within a Work Zone using temporary pavement marking materials;
 - (h) conduct all work expeditiously;
 - (i) work in a manner so as to avoid interference with or damage to any existing infrastructure;

- (j) work in a manner so as to maintain access to all properties with access affected by the work, consulting with adjacent property owners for this purpose and making known to them the schedule of the work;
 - (k) work in a manner so as to avoid damage to property adjacent to the Work Zone;
 - (l) work in a manner so as to avoid injuring or damaging any tree;
 - (m) not place material on any highway where it creates a hazard to pedestrians or vehicles;
 - (n) maintain, at all times, safe and convenient passage for vehicles and pedestrians through or around the Work Zone;
 - (o) not allow material to obstruct the free passage of water through any drain, gutter, ditch or watercourse;
 - (p) inform themselves as to the existence and location of all underground and above-ground utilities in or adjacent to the Work Zone;
 - (q) prior to commencing the work, satisfy themselves as to the existence or non-existence of any environmental contamination at or adjacent to the Work Zone;
 - (r) not allow, and immediately take action to control, unnecessary dust or any other unnecessary or unreasonable nuisance to the public;
 - (s) ensure that construction materials and equipment are properly secured within the Work Zone;
 - (t) obtain any other permits or approvals required for the work and provide proof of such permits or approvals to the Director, a Municipal Law Enforcement Officer or a Police Officer immediately upon demand;
 - (u) if required by the Director, provide the Director with as-built drawings of the work, within ninety (90) days of the completion of the work;
 - (v) if required by the Director, provide the Director with the necessary financial securities, such as a letter of credit, in the amount required by the Director, to ensure that the work outlined in the Work Permit will be performed and performed to the Township's satisfaction; and,
 - (w) provide to the Township any additional information or documentation relating to the work as required by the Director.
27. No work on any highway pursuant to a Work Permit shall occur outside of Monday to Friday, 8:00 a.m. to 5:00 p.m., unless otherwise permitted by the Director.

28. Any work required to create, alter or expand a driveway, from a highway to a property over a boulevard, shall be carried out at the relevant property owner's sole expense.

Part IX – Restoration

29. When work on a highway being performed pursuant to a Work Permit ceases each day, the person or persons to whom the Work Permit is issued shall:
- (a) bring all excavations, cuts or trenches in the highway to grade in accordance with any applicable Township specifications for highway construction, unless otherwise permitted by the Director;
 - (b) bring all driveways to grade so that the driveways provide safe and convenient passage unless the person or persons to whom the permit is issued has made reasonable alternative arrangements in consultation with the owner of the property serviced by the driveway; and,
 - (c) leave the Work Zone in a safe and clean condition.
30. After the work is completed pursuant to a Work Permit, the person or persons to whom the Work Permit is issued shall:
- (a) restore all infrastructure in, on, over, under, across or along the highway in accordance with any applicable Township specifications for highway construction, unless otherwise permitted by the Director; and,
 - (b) remove all debris, refuse and excess excavated material from the Work Zone, leaving it in a neat, clean and safe condition, free from nuisance and similar to, or better than, the condition of the Work Zone prior to the work being undertaken.
31. When required to do so by the Director, the person or persons to whom the Work Permit is issued shall retain a qualified materials testing company to undertake specified compaction and compliance testing and report the results to the Director.

Part X – Maintenance and Warranty

32. The person or persons to whom the Work Permit is issued shall:
- (a) maintain any infrastructure that has been disturbed by the work and restore it in accordance with any applicable Township specifications for highway construction for the duration of the Warranty Period; and,
 - (b) maintain the Utility Structure in, on, over, under, across or along a highway in a safe and clean condition, including, but not limited to, maintaining any appurtenances thereto in accordance with any applicable Township specifications for highway construction.

33. The person or persons to whom a Work Permit is issued shall pay all Township Costs, in accordance with any invoice delivered to them by the Director, following the Warranty Period.
34. If the person or persons to whom a Work Permit is issued does not perform the work outlined in the Work Permit, or does not perform the work in compliance with this by-law or otherwise to the Township's satisfaction, acting reasonably, the Township may draw upon any financial securities provided, such as a letter of credit, in order for the Township to recover its costs to perform the work or to remedy the work so that it is in compliance with this by-law or otherwise meets with the Township's satisfaction, acting reasonably.

Part XI – Administration and Enforcement

35. The Director is responsible for the administration of this by-law on behalf of the Township, including the review of all applications for Work Permits, the issuance of a Work Permit, the refusal to issue a Work Permit and the issuance of a Work Permit with conditions.
36. This by-law may be enforced by the Director, a Municipal Law Enforcement Officer or a Police Officer.
37. The Director may prescribe any administrative forms required pursuant to this by-law at any time.
38. The Director, a Municipal Law Enforcement Officer or a Police Officer, or an individual under their direction, may inspect a Work Zone at any reasonable time.
39. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

Part XII – Offence and Penalty

40. Every person, excluding a corporation, who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of twenty-five thousand dollars (\$25,000.00) for a first offence, and a maximum fine of fifty thousand dollars (\$50,000.00) for a subsequent offence.
41. Every corporation who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of fifty thousand dollars (\$50,000.00) for a first offence, and a maximum fine of one hundred thousand dollars (\$100,000.00) for a subsequent offence.
42. All contraventions of this by-law are designated as continuing offences pursuant to section 429 of the Act.
43. In addition to the fine amounts otherwise provided in this by-law, for each day or part of a day that an offence continues, the maximum fine shall be ten thousand dollars (\$10,000.00). The total of all of the daily fines for an offence is not limited to one hundred thousand dollars (\$100,000.00).

44. Pursuant to section 431 of the Act, if this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part XIII – Order to Discontinue Activity

45. If the Director is satisfied that a contravention of this By-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who permitted or caused the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
46. An order under section 45 of this by-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - (b) the work to be done and the date by which the work must be done.
47. Any person who contravenes an order under section 45 of this by-law is guilty of an offence.

Part XIV – Work Order

48. If the Director is satisfied that a contravention of this by-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
49. An order under section 48 of this by-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - (b) the work to be done and the date by which the work must be done.
50. An order under section 48 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law, were present before this by-law came into force.
51. Any person who contravenes an order under section 48 of this by-law is guilty of an offence.

Part XV – Remedial Action

52. If a person is directed or required to do a matter or thing pursuant to this by-law and that person fails to do that matter or thing, in default of it being done by the person directed or required to do it, the matter or thing may be done by the Township at the person's expense.
53. For the purpose of section 52 of this by-law, the Township may enter upon land at any reasonable time.

54. The Township may recover the costs of doing a matter or thing pursuant to section 52 of this by-law from the person directed or required to do it by action or by adding the costs to the tax roll of that person and collecting them in the same manner as property taxes.
55. The costs outlined in section 52 of this by-law shall include interest calculated at a rate of fifteen percent (15%) per annum, calculated for the period commencing on the first day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

Part XVI – Severability

56. If any provision of this by-law is found by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and all other provisions of this by-law shall be deemed to be separate and independent and shall continue in full force and effect.

Part XVII – Repeal

57. By-law 86-57 is hereby repealed.
58. Where the provisions of any other by-law is inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

Part XVIII – Coming Into Force

59. This by-law shall come into full force and effect upon its passage by Council.

Enacted by Council this ...day of 2022.

MAYOR – Les Armstrong

CLERK –

RIGHT OF WAY – WORK PERMIT

For Office Use Only Permit No.

1. Applicant Information

Applicant Name: (Contractor performing the work)		Applicant is the Owner: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Company Name:		Applicant Job Title:	
Mailing Address:		Owner Name:	
City, Township, Village:	Province:	Postal Code:	
Telephone No.:	Fax No.:	E-mail:	

2. Proposed Work Information

Application is to: ☐ Construct ☐ Maintain ☐ Repair ☐ Alter ☐ Remove
☐ Special Event/Temporarily Occupy

The following works (Include MC/Permit/Approval reference): _____

Start Date: _____ Permit Expiry Date : _____

3. Description of Work

☐ Crossing the Road ☐ Parallel to the Road ☐ Other (specify) _____

Location/Address: _____

Road Closure: ☐ Single lane ☐ Multiple lanes ☐ Full ☐ Various locations ☐ None

Check all items that may be affected by the work:

<input type="checkbox"/> roadway	<input type="checkbox"/> signs	<input type="checkbox"/> curb & gutter	<input type="checkbox"/> sidewalk	<input type="checkbox"/> boulevard	<input type="checkbox"/> trees
<input type="checkbox"/> sewers	<input type="checkbox"/> none	<input type="checkbox"/> municipal drain _____	<input type="checkbox"/> tile or storm sewer		

Distance of works from centerline: _____ Depth of work: _____

****Fee for road closures and sidewalk closures as per the Fees and Charges by-law.**

4. Required Prior to Approval

<input type="checkbox"/> Applicable Fee \$ _____ (As per Fees and Charges by-law)	Form _____
<input type="checkbox"/> Road/Sidewalk Closure Fee \$ _____ (As per Fees and Charges by-law)	Form _____
<input type="checkbox"/> Security Deposit Submitted \$ _____	Form _____
<input type="checkbox"/> Liability Insurance Certificate (See Guideline)	
<input type="checkbox"/> WSIB Clearance Certificate	
<input type="checkbox"/> Sketch/drawing of the proposed works	
<input type="checkbox"/> Traffic Control Plan showing the appropriate lane closures, detours, etc. for review and comment only, not for approval	

5. Declaration of Applicant

I/We hereby make application to occupy the designated space for the purpose described above and agree to abide by the terms and conditions established in this application. I/We agree to assume all liability and/or costs incurred by the Township as a result of occupying the designated space and to indemnify and save harmless the Township until final approval of the works. I/We understand that the issue of a permit by the Township does not relieve the responsibility of complying with all relevant legislation and municipal by-laws.

Signature of Applicant: _____ Date: _____

6. Application Approval (for office use only)

☐ Approved ☐ Not Approved Signature: _____ Date: _____

7. Notification (for office use only)

Application returned via: ☐ Email ☐ Mail ☐ Fax ☐ In Person Date: _____

By: _____ Signature: _____

8.

☐ Approved ☐ Not Approved Signature: _____ Date: _____
Engineering Services

9. General Conditions of Approval

1. No person shall close, construct, encumber, excavate, or maintain any kind of encroachment in, on, over, or under a highway or public lands without first obtaining a valid Right of Way – Work Permit.
2. The application must be in the name of the person or persons performing the work and not in the name of an agent or utility for whom he/she is acting. The Applicant must indicate the intended starting date and duration of occupancy at least seven (7) business days prior to commencing the work described in the application. The Township requires 48 hours notification before commencement of the authorized works.
3. The Applicant shall strictly adhere to the conditions set out and any other special conditions set out in this application. Any breach thereof is considered to be non-compliance and may result in a revocation or termination of the Right of Way - Work Permit. The Director of Public Works or their designate may then take actions deemed necessary to reinstate the encroachment for public safety at the Applicants expense.
4. The Applicant shall obtain all other necessary agency permits and approvals required (i.e. Region of Waterloo, MOECC, MNR, GRCA, Ministry of Labour, Building Permits, etc.) and comply with any applicable provincial legislation. Proof of such permits and approvals shall be provided if requested by the Township prior to issuing the Right of Way - Work Permit;
5. The Applicant shall request all marking or other location information to determine the location and provide safeguards for all utilities, both public and private, in accordance with current regulations.
6. The Applicant shall release, indemnify and save harmless the Township, its councilors, directors, officers, employees, agents, consultants, contractors, assigns, and any others for whom the Township is at law responsible from and against any and all claims, demands, losses, expenses, costs, including but not limited to reasonable legal fees, damages, actions, suits or proceedings, or any other liabilities which may at any time or from time to time be asserted against, imposed upon or incurred by the Township as a consequence of or in connection with the encroachment, the maintenance of the encroachment, or any other matter relating to the encroachment. The Applicant will provide a deposit in a form and quantity to the satisfaction of the Township.
7. The Right of Way - Work Permit shall be available for inspection at all times during which the work is in progress.
8. The Applicant shall keep the encroachment in a state of good repair. In the event that the Applicant fails or neglects to keep the encroachment in a state of good repair, the Director of Public Works or designate may provide notice to the Applicant of any deficiency on the encroachment and request that such deficiencies be rectified. If the notice is not complied with within two (2) business days from the date that the notice was sent, or such other time as may be mutually agreed upon by the Township and Applicant the Right of Way - Work Permit may be revoked. Notwithstanding the foregoing the Township may immediately remove any item on public property deemed to constitute a safety hazard. All costs incurred by the Township to remove the encroachment shall be recovered from the Applicant.
9. The Applicant shall assume all maintenance and liability for temporary repairs until such time as permanent repairs are completed for the work described in this application to the satisfaction of the Township. **Inspections will not be completed between November 15 and April 15.** A final inspection is required in order to release any deposit submitted. The final inspection request must be submitted using the **FINAL INSPECTION & RELEASE REQUEST FORM**.
10. All damage, disruption, or removal of existing infrastructure as described in this application, and all damages related to the work activity shall be reinstated to the satisfaction of the Township. Failure to reinstate the affected areas will result in the Township performing the required repairs at the Applicants expense.
11. The Applicant shall provide and maintain all signs, barricades, traffic control devices, traffic control persons, or other persons and equipment as required by the Occupational Health and Safety Act, Ministry of Transportation guidelines, and to the satisfaction of the Township, at the location of encroachment, prior to commencement of work, at the sole responsibility and cost of the Applicant.
12. The Applicant shall provide and maintain a reasonable temporary alternative route or detour for traffic and pedestrians where a highway or public lands is closed or partially occupied, to the satisfaction of the Township and all at the cost of the Applicant.
13. The Applicant shall maintain access to all public and private properties for the duration of the work. The Applicant shall provide written notice 48 hours in advance to affected property owners of when the work is to commence and/or if a highway closure is to be undertaken.
14. The Applicant shall not store excavated material in such a manner as to obstruct pedestrian or vehicular traffic or to be placed near a catch basin such that the material may enter the sewer. Frozen or organic material, clay in a fluid state, silt or mud shall be excluded from backfill. This may require that all excavated material be replaced with granular material. Backfill material shall be compacted in layers not exceeding 300 millimeters.
15. The Applicant shall notify the Directory of Public Works or designate at least 24 hours in advance of any additional time required and the reason for an extension, when conditions or unforeseen difficulties require a longer period for completion than indicated on the Right of Way - Work Permit. Notwithstanding the forgoing the Right of Way - Work Permit expires ninety (90) days following approval and a new permit will be required.

Applicant Initials

Infrastructure locate Information

Applicants, and/or constructors are responsible for contacting Ontario One Call prior to completing any work that requires you to dig. Ontario One Call will notify buried infrastructure utility owners that have registered with Ontario One Call that you plan to dig. Representatives from each underground buried infrastructure utility owner will come out to mark the location of buried underground utility lines and cables on your property so that you can dig safely.

Please note that some areas may have private infrastructure within the right of way and applicants are expected to verify with property owners, corporations if any such private infrastructure is within their work area. Please see below a list of underground infrastructure owners that operate within the Township but not limited to:

- ☐ Enova Power (Formerly KW Hydro)
- ☐ Enbridge/Union Gas
- ☐ Rogers Communications
- ☐ Bell Communications
- ☐ Mornington Communications
- ☐ North Frontenac Communications
- ☐ Township of Wilmot Water
- ☐ Township of Wilmot Sanitary
- ☐ Township of Wilmot Storm
- ☐ Region of Waterloo Water
- ☐ Region of Waterloo Sanitary
- ☐ Region of Waterloo Storm
- ☐ Private Water Infrastructure systems (Petersburg)
- ☐ Private Sanitary forcemain systems
- ☐ Other

For further information on locates please contact Ontario One Call. <https://ontarioonecall.ca/>

TOWNSHIP OF WILMOT

BY-LAW NO. 2022-044

BY-LAW TO FURTHER AMEND BY-LAW NO. 83-38 OF THE TOWNSHIP OF WILMOT BEING A ZONING BY-LAW FOR THE SAID TOWNSHIP OF WILMOT.

WHEREAS The Corporation of the Township of Wilmot deems it desirable to further amend By-law No. 83-38, being a Zoning By-law for the said Township of Wilmot.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. Notwithstanding the provisions of By-law 83-38, as amended, on the lands described on Schedule "A" and illustrated on Schedule "B" attached to and forming part of this By-law, the following regulations shall apply:
 - a) dwelling units shall be permitted with or without the presence of a permitted commercial use on the property;
2. Notwithstanding the provisions of By-law 83-38, as amended, for the lands described on Schedule "A" and illustrated on Schedule "B" attached to and forming part of this By-law, the following shall be added as Section 22.303:

Notwithstanding any other provisions of this By-law, the lands described as Part of Lot 1, Plan 628 and identified on the map forming Part 6 of Schedule 'A', shall be subject to the following regulations:

 - a) dwelling units shall be permitted with or without the presence of a permitted commercial use on the property
3. Notwithstanding the provisions of By-law 83-38, as amended, the map forming Part 6 of Schedule 'A' to By-law 83-38 shall be amended as necessary to identify Section 22.303 on the lands described on Schedule 'A' and illustrated on Schedule 'B' attached to and forming part of this By-law.
4. Except as amended by the preceding regulations, the lands described on Schedule "A" attached to and forming part of this by-law and shown on Schedule "B" attached to and forming part of this by-law, shall be subject to all other applicable regulations as set down in By-law No. 83-38, as amended.
5. This by-law shall come into effect on the final passing thereof by the Council of The Corporation of the Township of Wilmot subject to compliance with the provisions of The Planning Act, R.S.O., 1990 and amendments thereto.

READ a first and second time on the 26th day of September, 2022.

READ a third time and finally passed in Open Council on the 26th day of September, 2022.

MAYOR

CLERK

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Wilmot, in the Regional Municipality of Waterloo and Province of Ontario being composed of Part of Lot 1, Plan 628, in the said Township of Wilmot.

This is Schedule "A" to By-law No. **2022-044**.

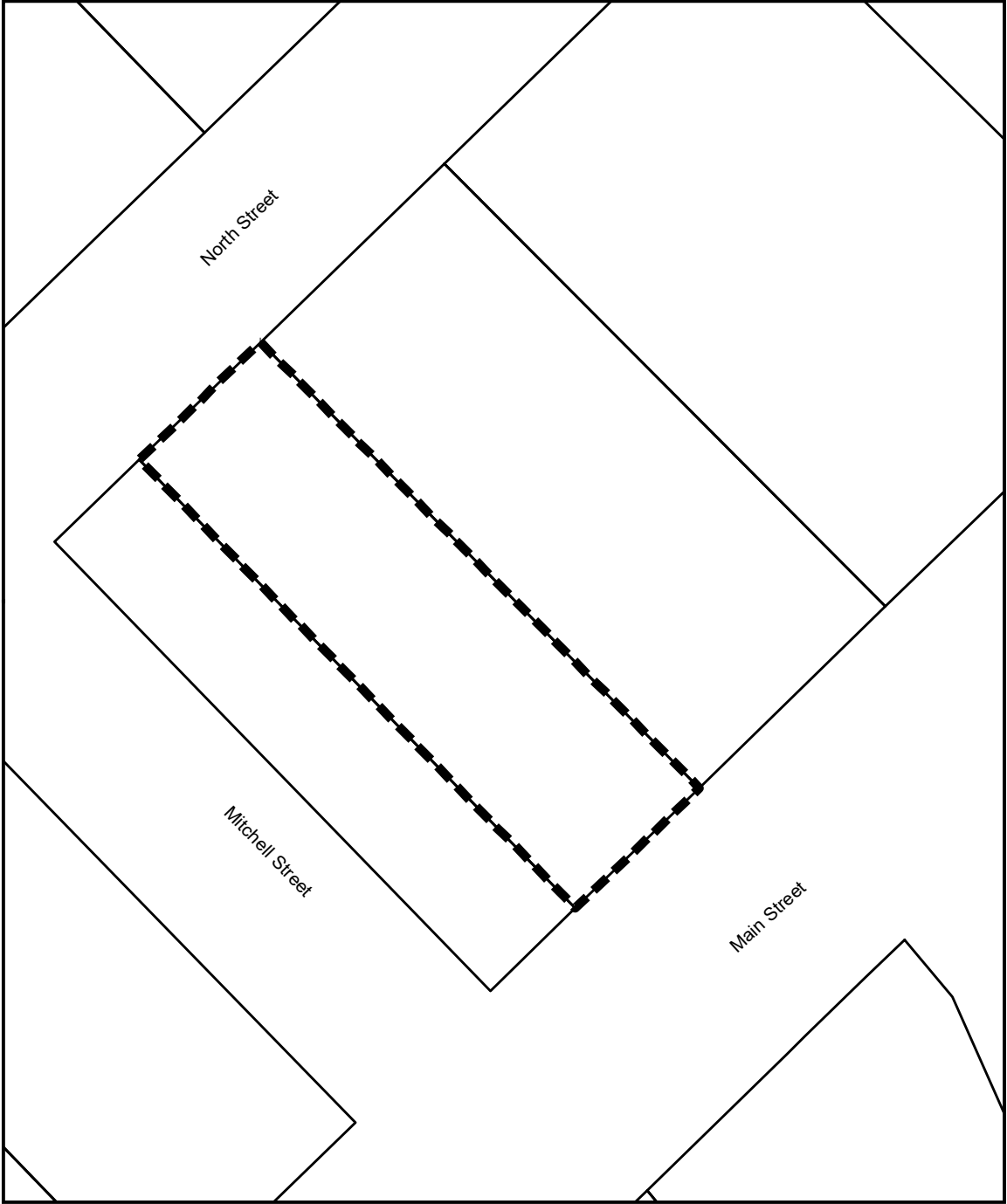
PASSED this **26th** day of **September, 2022**.

MAYOR

CLERK

SCHEDULE "B"
PART OF LOT 1
PLAN 628
TOWNSHIP OF WILMOT

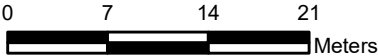
SUBJECT LANDS OUTLINED THUS: - - - - -



THIS IS SCHEDULE "B" TO BY-LAW NO. 2022-044
PASSED THIS 26TH DAY OF SEPTEMBER 2022.

MAYOR

CLERK



TOWNSHIP OF WILMOT
BY-LAW NO. 2022-045

**BY-LAW TO AMEND THE TRAFFIC AND PARKING BY-LAW NO. 2016-52 TO MODIFY
PARKING REGULATIONS ON HIGHWAYS IN THE JURISDICTION OF THE
TOWNSHIP OF WILMOT (SNOW EVENTS BY-LAW).**

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001 c.25 provides that
a local municipality to pass by-laws respecting its highways, including parking and traffic on
highways; and

AND WHEREAS on November 21, 2016, the Council of The Corporation of the
Township Wilmot passed By-law No. 2016-52 being a By-law to Regulate Traffic and Parking
on Highways under the Jurisdiction of the Township of Wilmot; and

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF WILMOT HEREBY ENACTS AS FOLLOWS:**

1. THAT Part V of By-law 2016-52 respecting “parking and Stopping
Restrictions” is amended by adding the following hereto:
 11. Snow Event
 - a) No person shall park or stop a vehicle on any highway during a
snow event as identified through a Township media advisory and
posting on the Township’s website
 - b) A snow event shall commence at either 5 pm or 12 am and extend
for a minimum of 24 hours unless canceled through a posting on
the Township’s website
 12. Winter Parking
 - a) No person shall park a vehicle on any highway in such a
manner as to interfere with the movement of traffic or the
cleaning of snow or ice.
2. THAT Part II of By-law 2016-52 respecting “definitions” is amended by

adding the following hereto:

40. “snow event” means a period of time when winter weather is forecast that would require snow removal, snow plowing or salting operations.

3. This by-law shall come into full force and effect on the date it is passed.

READ a first and second time on the **26th** day of **September, 2022**.

READ a third time and finally passed in Open Council on the **26th** day of **September, 2022**.

MAYOR

CLERK

TOWNSHIP OF WILMOT
BY-LAW NO. 2022-046

BEING A BY-LAW TO REGULATE WORK ON HIGHWAYS WITHIN THE TOWNSHIP OF WILMOT

WHEREAS section 11(3)1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Act**”), authorizes a municipality to pass by-laws respecting highways;

AND WHEREAS section 27(1) of the Act states that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS section 35 of the Act states that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

AND WHEREAS section 128 of the Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT HEREBY ENACTS AS FOLLOWS:

Part I – Short Title

- 1. This by-law may be cited as the “Right-of-Way By-law”.

Part II – Definitions

- 2. For purposes of this by-law:

- (a) **"boulevard"** means that part of a highway from the edge of the roadway to the nearest lateral property line, but does not include a shoulder, sidewalk or multi-use trail;
- (b) **"Council"** means the Council of The Corporation of the Township of Wilmot;
- (c) **"Director"** means the Director of Public Works and Engineering of the Township, or his or her designate;
- (d) **"driveway"** means that part of a highway that provides vehicular access to and from the roadway to an adjacent property;
- (e) **"Emergency Work"** means unforeseen work that is necessary immediately because of imminent danger to life, health or property including, but not limited to:
 - (i) a washout or cave-in;
 - (ii) drainage impediment or ponding;
 - (iii) soft spot;
 - (iv) settlement of the highway surface greater than 50mm;
 - (v) damaged or leaking water or gas pipe;
 - (vi) damaged, plugged or leaving sanitary or storm sewer pipe;
 - (vii) damaged underground electrical or communications facility;
 - (viii) damaged or downed aboveground or overhead utility structure including, but not limited to, a poll, anchor, guy wire, support strand, cable, splice enclosure, pedestal or cabinet; or,

(ix) **unscheduled interruption of utility service;**

(f) **“highway”** means a ‘highway’ as defined in section 1(1) of the Act over which the Township has jurisdiction and, for greater certainty, the term ‘highway’ includes what is listed under section 26 of the Act as well as any boulevards and sidewalks on such highways;

(g) **“infrastructure”** includes, but is not limited to, any public or private Utility Structure, copper or coaxial wire, fibre optic cable, pipe, conduit, pedestal, cabinet, antenna, vault, support structure, bus stop facility, culvert, noise barrier, fence, guiderail, barricade, traffic island, traffic control device, sign, light, rail facility, pavement, subgrade, manhole, catch basin, hand well, valve chamber, valve box, curb, gutter, sidewalk, driveway, mailbox, hydrant, sod, berm, ditch or watercourse;

(h) **“lane”** means that part of a highway that accommodates a single line of moving or parked vehicles;

(i) **“Municipal Law Enforcement Officer”** means a person appointed in accordance with section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

(j) **“person”** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

(k) **“Police Officer”** means a ‘police officer’ as defined under the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

(l) **“Region”** means the Regional Municipality of Waterloo;

(m) **“sidewalk”** means that part of a highway with a surface improved with asphalt, concrete or gravel for the use of pedestrians

(n) **“Township”** means The Corporation of the Township of Wilmot;

- (o) **“Township Costs”** means labour, material, equipment and administrative costs incurred by the Township as a result of the work, including but not limited to, costs for temporary or permanent traffic control devices, costs where the person or persons to whom the permit was issued has failed to comply with any of the requirements of this by-law, and costs for restoration of infrastructure in, on, over, under, across or along a highway damaged by the work, as deemed necessary by the Director;
- (p) **“Utility Structure”** includes, but is not limited to, storm sewer, sanitary sewer, watermain, gas, oil, hydro, telecommunications and traffic control signal equipment, plant, facilities, and structures, whether in, on, over, under, across or along a highway;
- (q) **“vehicle”** includes, but is not limited to, a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power including muscular power;
- (r) **“Warranty Period”** means a period of two (2) years after the restoration of infrastructure in, on, over, under, across or along a highway damaged by the work, or longer as required by the Director, within which time the person or persons to whom the Work Permit was issued must ensure that the restoration, together with all materials used in completing the restoration, complies with this by-law;
- (s) **“work”** means any excavation, cut or trench or other project to install, construct, place, move, remove, relocate, adjust, alter, clean, maintain, test, repair, replace, improve, or restore infrastructure in, on, over, under, across or along a highway, including any work that extends from a highway to private property, or any occupation of a highway for work adjacent to a highway;
- (t) **“Work Permit”** means a Work Permit issued under this by-law; and,
- (u) **“Work Zone”** means the portion or section of a highway in which the work will be undertaken.

Part III – General Prohibitions

3. No person shall, or permit another person to, at any time, undertake any work on, over, under, across or along a highway, including Emergency Work, without first having obtained a Work Permit in accordance with the provisions of this by-law.
4. Without limiting the generality of section 3 of this by-law, no person shall, or permit another person to, at any time, create, alter or expand a driveway from a highway to a property over a boulevard without first having obtained a Work Permit in accordance with the provisions of this by-law.
5. No person who has been issued a Work Permit shall, or permit another person to, at any time, fail to comply with a condition of a Work Permit.
6. No person shall, or permit another person to, at any time, leave or allow anything to remain on a highway that could reasonably pose a danger to the health, safety and well-being of persons or property including, but not limited to, something that affects the normal flow of vehicular or pedestrian traffic on a highway or something that negatively impacts visibility on a highway.
7. No person shall, or permit another person to, at any time, place any sports equipment on a highway including, but not limited to, basketball nets, hockey nets or skateboarding equipment.

Part IV – Exemptions

8. The provisions of this by-Law do not apply to any of the following:
 - (a) the Township;
 - (b) the Region; or,
 - (c) a person who has entered into an agreement with the Township which permits them to undertake work on a highway.

Part V – Applying for a Work Permit

9. Every person shall apply for and obtain a Work Permit prior to undertaking any work on, over, under, across or along a highway, including Emergency Work.
10. An application for a Work Permit shall be submitted at least seven (7) business days prior to any work being undertaken on a highway, unless the Work Permit pertains to Emergency Work.
11. An application for a Work Permit shall be in the name of the person or persons performing the work.
12. A person must apply for a Work Permit by filling out the form prescribed by the Director and shall provide to the Director, at a minimum:
 - (a) their name, title (if applicable), company/organization name (if applicable), street address, telephone number and email address;
 - (b) a description of the Work Zone, including the names of all highways intersecting or otherwise impacted by the Work Zone;
 - (c) a description of the type and purpose of work being proposed, including whether the work is in, on, over, under, across or along any highways over which the Region has jurisdiction;
 - (d) any construction drawings associated with the work;
 - (e) the proposed depth, width and length of any excavation, cut or trench;
 - (f) the scheduled start date of the work and the length of time estimated to complete the work;
 - (g) an indication as to whether any of the following are being proposed:

- (i) any closure of, or restrictions of access on, to or from, all or part of a highway;
- (ii) the removal or bagging of one or more parking meters;
- (iii) any parking prohibitions;
- (iv) the relocation of a bus stop;
- (v) any change to pavement markings; or,
- (vi) any change to a traffic control device, including a temporary adjustment to traffic control signal timing or interference with a traffic signal loop;
- (h) an indication as to whether the work for which the Work Permit being sought is Emergency Work and, if so, the nature of the emergency;
- (i) a signed indemnity, satisfactory to the Director, indemnifying and saving harmless the Township from any and all claims, demands, suits, actions, judgments made, brought or recovered against the Township and from all loss, costs, damages, charges or expenses that may be incurred, sustained or paid by the Township by reason of the granting of the Work Permit;
- (j) a certificate of insurance for the proposed work, naming the Township as an additional insured, in a form and for an amount satisfactory to the Director;
- (k) any fees and charges imposed by the Township's *Fees and Charges By-law*; and,
- (l) any additional information or documentation in relation to the proposed work, as required by the Director.

13. No person applying for a Work Permit shall knowingly provide false information to the Director or otherwise to the Township.

Part VI – Work Permits

14. The Director may issue, refuse to issue, or issue with conditions, a Work Permit for any proposed work on a highway.
15. The Director may impose any conditions on a Work Permit that the Director feels is reasonably necessary in order to ensure minimal disruption or interference and to ensure the health, safety and well-being of persons and property.
16. In considering whether to issue, refuse to issue, or issue with conditions a Work Permit, the Director shall have regard to, at a minimum:
 - (a) whether the work is necessary;
 - (b) whether the work proposed to be undertaken is Emergency Work;
 - (c) whether the proposed design, location, or timing of the work is appropriate;
 - (d) whether the work is likely to be carried out in compliance with the Work Permit and this by-law;
 - (e) any relevant past conduct of the person or persons applying for a Work Permit as it relates to performing work on a highway; or,
 - (f) a conflict with a previously scheduled activity for which the Township has granted a permit.
17. Once issued, all Work Permits shall expire, and be of no force or effect, on the date and at the time outlined on the Work Permit or, if not otherwise outlined on the Work Permit, within ninety (90) days of its issuance by the Director.

18. At any time after the Director has granted a Work Permit, the Director may:
 - (a) impose, add or change the conditions of an issued Work Permit, upon giving notice to the person or persons for whom the Work Permit was issued; and,
 - (b) extend the date and time on which the Work Permit will expire and be of no force or effect.

19. At any time after the Director has issued a Work Permit, the Director may suspend or revoke a Work Permit:
 - (a) for a contravention of any of the provisions of this by-law, any other by-law, or any federal or provincial law;
 - (b) if the Director was provided with false or misleading information on the Work Permit application;
 - (c) if a condition imposed on a Work Permit has been contravened; or,
 - (d) to ensure the health, safety and well-being of persons or property.

20. If a Work Permit is suspended or revoked by the Director, the Director shall immediately notify the person or persons to whom the Work Permit was issued, in writing, that the Work Permit has been suspended or revoked and, if suspended, the length of any such suspension.

21. A Work Permit is not transferable to any other person or persons.

22. A Work Permit shall only be valid for the Work Zone for which it is issued.

23. Only the work for which a Work Permit is issued shall be conducted under a Work Permit.

Part VII - Emergency Work

24. Any person undertaking Emergency Work shall, to the fullest extent possible, comply with the provisions of this by-law unless such compliance would result in an increased danger to the health, safety and well-being of persons or property.

Part VIII – General Permit Conditions

25. The person or persons to whom the Work Permit is issued shall notify the Township, in writing, at least five (5) business days in advance of any work being undertaken on a highway.

26. In addition to any conditions imposed on a Work Permit, every person undertaking work on a highway pursuant to a Work Permit shall:

(a) produce the Work Permit to the Director, a Municipal Law Enforcement Officer or a Police Officer immediately upon demand;

(b) comply with all municipal by-laws (including this by-law) as well as provincial and federal laws including, but not limited to, those pertaining to safety, noise, trees, water resources, oversize loads, traffic control devices, railway crossings and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended;

(c) comply with the Ministry of Transportation of Ontario's *Ontario Traffic Manual Book 7 Temporary Conditions*, as amended or replaced;

(d) notify the Director, at least five (5) business days in advance, when the work:

(i) requires a change to an existing traffic control signal;

(ii) requires that the Township prohibit parking on a highway; or,

(iii) may interfere with a traffic signal loop.

- (e) notify the Director, at least five (5) business days in advance, when the work requires the closure of all or part of a highway;
- (f) undertake the work in accordance with any applicable Township specifications for highway construction;
- (g) apply and remove temporary pavement markings within a Work Zone using temporary pavement marking materials;
- (h) conduct all work expeditiously;
- (i) work in a manner so as to avoid interference with or damage to any existing infrastructure;
- (j) work in a manner so as to maintain access to all properties with access affected by the work, consulting with adjacent property owners for this purpose and making known to them the schedule of the work;
- (k) work in a manner so as to avoid damage to property adjacent to the Work Zone;
- (l) work in a manner so as to avoid injuring or damaging any tree;
- (m) not place material on any highway where it creates a hazard to pedestrians or vehicles;
- (n) maintain, at all times, safe and convenient passage for vehicles and pedestrians through or around the Work Zone;
- (o) not allow material to obstruct the free passage of water through any drain, gutter, ditch or watercourse;

- (p) inform themselves as to the existence and location of all underground and above-ground utilities in or adjacent to the Work Zone;
- (q) prior to commencing the work, satisfy themselves as to the existence or non-existence of any environmental contamination at or adjacent to the Work Zone;
- (r) not allow, and immediately take action to control, unnecessary dust or any other unnecessary or unreasonable nuisance to the public;
- (s) ensure that construction materials and equipment are properly secured within the Work Zone;
- (t) obtain any other permits or approvals required for the work and provide proof of such permits or approvals to the Director, a Municipal Law Enforcement Officer or a Police Officer immediately upon demand;
- (u) if required by the Director, provide the Director with as-built drawings of the work, within ninety (90) days of the completion of the work;
- (v) if required by the Director, provide the Director with the necessary financial securities, such as a letter of credit, in the amount required by the Director, to ensure that the work outlined in the Work Permit will be performed and performed to the Township's satisfaction; and,
- (w) provide to the Township any additional information or documentation relating to the work as required by the Director.

27. No work on any highway pursuant to a Work Permit shall occur outside of Monday to Friday, 8:00 a.m. to 5:00 p.m., unless otherwise permitted by the Director.

28. Any work required to create, alter or expand a driveway, from a highway to a property over a boulevard, shall be carried out at the relevant property owner's sole expense.

Part IX – Restoration

29. When work on a highway being performed pursuant to a Work Permit ceases each day, the person or persons to whom the Work Permit is issued shall:

(a) bring all excavations, cuts or trenches in the highway to grade in accordance with any applicable Township specifications for highway construction, unless otherwise permitted by the Director;

(b) bring all driveways to grade so that the driveways provide safe and convenient passage unless the person or persons to whom the permit is issued has made reasonable alternative arrangements in consultation with the owner of the property serviced by the driveway; and,

(c) leave the Work Zone in a safe and clean condition.

30. After the work is completed pursuant to a Work Permit, the person or persons to whom the Work Permit is issued shall:

(a) restore all infrastructure in, on, over, under, across or along the highway in accordance with any applicable Township specifications for highway construction, unless otherwise permitted by the Director; and,

(b) remove all debris, refuse and excess excavated material from the Work Zone, leaving it in a neat, clean and safe condition, free from nuisance and similar to, or better than, the condition of the Work Zone prior to the work being undertaken.

31. When required to do so by the Director, the person or persons to whom the Work Permit is issued shall retain a qualified materials testing company to undertake specified compaction and compliance testing and report the results to the Director.

Part X – Maintenance and Warranty

32. The person or persons to whom the Work Permit is issued shall:
- (a) maintain any infrastructure that has been disturbed by the work and restore it in accordance with any applicable Township specifications for highway construction for the duration of the Warranty Period; and,
 - (b) maintain the Utility Structure in, on, over, under, across or along a highway in a safe and clean condition, including, but not limited to, maintaining any appurtenances thereto in accordance with any applicable Township specifications for highway construction.
33. The person or persons to whom a Work Permit is issued shall pay all Township Costs, in accordance with any invoice delivered to them by the Director, following the Warranty Period.
34. If the person or persons to whom a Work Permit is issued does not perform the work outlined in the Work Permit, or does not perform the work in compliance with this by-law or otherwise to the Township's satisfaction, acting reasonably, the Township may draw upon any financial securities provided, such as a letter of credit, in order for the Township to recover its costs to perform the work or to remedy the work so that it is in compliance with this by-law or otherwise meets with the Township's satisfaction, acting reasonably.

Part XI – Administration and Enforcement

35. The Director is responsible for the administration of this by-law on behalf of the Township, including the review of all applications for Work Permits, the issuance

of a Work Permit, the refusal to issue a Work Permit and the issuance of a Work Permit with conditions.

36. This by-law may be enforced by the Director, a Municipal Law Enforcement Officer or a Police Officer.
37. The Director may prescribe any administrative forms required pursuant to this by-law at any time.
38. The Director, a Municipal Law Enforcement Officer or a Police Officer, or an individual under their direction, may inspect a Work Zone at any reasonable time.
39. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

Part XII – Offence and Penalty

40. Every person, excluding a corporation, who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of twenty-five thousand dollars (\$25,000.00) for a first offence, and a maximum fine of fifty thousand dollars (\$50,000.00) for a subsequent offence.
41. Every corporation who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of fifty thousand dollars (\$50,000.00) for a first offence, and a maximum fine of one hundred thousand dollars (\$100,000.00) for a subsequent offence.
42. All contraventions of this by-law are designated as continuing offences pursuant to section 429 of the Act.
43. In addition to the fine amounts otherwise provided in this by-law, for each day or part of a day that an offence continues, the maximum fine shall be ten thousand dollars (\$10,000.00). The total of all of the daily fines for an offence is not limited to one hundred thousand dollars (\$100,000.00).

44. Pursuant to section 431 of the Act, if this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part XIII – Order to Discontinue Activity

45. If the Director is satisfied that a contravention of this By-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who permitted or caused the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
46. An order under section 45 of this by-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - (b) the work to be done and the date by which the work must be done.
47. Any person who contravenes an order under section 45 of this by-law is guilty of an offence.

Part XIV – Work Order

48. If the Director is satisfied that a contravention of this by-law has occurred, the Director may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
49. An order under section 48 of this by-law shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

(b) the work to be done and the date by which the work must be done.

50. An order under section 48 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law, were present before this by-law came into force.

51. Any person who contravenes an order under section 48 of this by-law is guilty of an offence.

Part XV – Remedial Action

52. If a person is directed or required to do a matter or thing pursuant to this by-law and that person fails to do that matter or thing, in default of it being done by the person directed or required to do it, the matter or thing may be done by the Township at the person's expense.

53. For the purpose of section 52 of this by-law, the Township may enter upon land at any reasonable time.

54. The Township may recover the costs of doing a matter or thing pursuant to section 52 of this by-law from the person directed or required to do it by action or by adding the costs to the tax roll of that person and collecting them in the same manner as property taxes.

55. The costs outlined in section 52 of this by-law shall include interest calculated at a rate of fifteen percent (15%) per annum, calculated for the period commencing on the first day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

Part XVI – Severability

56. If any provision of this by-law is found by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and all other provisions of this by-law shall be deemed to be separate and independent and shall continue in full force and effect.

Part XVII – Repeal

57. By-law 86-57 is hereby repealed.

58. Where the provisions of any other by-law is inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

Part XVIII – Coming Into Force

59. This by-law shall come into full force and effect upon its passage by Council.

READ a first and second time on the **26th** day of **September, 2022**.

READ a third time and finally passed in Open Council on the **26th** day of **September, 2022**.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2022-47
TO CONFIRM THE PROCEEDINGS OF COUNCIL
AT ITS MEETING HELD ON SEPTEMBER 26, 2022

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT
ENACTS AS FOLLOWS:

- 1. The actions of the Council at its special meeting held on September 26, 2022, with respect to each recommendation contained in the reports forwarded to Council, and in respect to each resolution and other action passed and taken by Council at this meeting, except where the prior approval of the Ontario Land Tribunal is required, are hereby adopted, ratified and confirmed.
- 2. The Mayor or in his absence the presiding officer of Council and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and except where otherwise provided, the Mayor or in his absence the presiding officer, and the Clerk, or in their absence, the Deputy Clerk, are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

READ a first and second time this 26th day of September, 2022.

READ a third time and finally passed in open Council this 26th day of September, 2022.

Mayor

Clerk