



# Street Disturbance Permit Application

No person shall make any excavation in a street; cause or permit the breaking of the surface of a street or other physical damage to a street by construction activities in or near a street; or otherwise engage in construction activity or other temporary activity that is likely to obstruct Pedestrian or vehicular traffic in a street without first obtaining a Street Disturbance Permit from the Engineer.

Applicants Name: \_\_\_\_\_

Applicants Address: \_\_\_\_\_

Type of Street Disturbance:

SEWER LINE

STORM DRAIN

WATERLINE

OTHER \_\_\_\_\_

NAME OF STREET \_\_\_\_\_ CIVIC NUMBER \_\_\_\_\_

DISTANCE OF CUT \_\_\_\_\_

Every application for a Street Disturbance Permit shall include

- (1) a non-refundable fee of **\$10.00** when the Permit is required solely because of an obstruction of one month or less to the pedestrian or vehicular traffic in a street, without breaking or damaging the surface or subsurface of a street or to Town of Digby infrastructure or property in, on or under a street;
- (2) a non-refundable fee in the amount of **\$100.00** in all other cases; and
- (3) where an excavation or other construction activity is involved that may, in the opinion of the Engineer, cause damage to a street, a security deposit in the amount of **\$1,000.00**.

The security deposit shall be retained as security that the applicant will properly perform and complete the work for which the permit is granted, and restore and keep the surface of the street and other Town of Digby property when such work is done, to a good condition to the satisfaction of the Engineer for a period of six months after the completion of the work.

If the Engineer is of the opinion that the surface of the street or other Town of Digby property is not restored and kept in good condition for the six month period, he may, upon advance notice to the Permit holder, perform such work in respect of the street as he considers necessary and the cost shall be deducted from the deposit, and the balance, if any, returned upon the expiry of the six month period. If the cost of such work exceeds the deposit, the Town of Digby may recover the balance, together with costs and pre-judgment interest, by action in any court of competent jurisdiction from the Permit holder, or may charge and collect the balance, together with costs and pre-judgment interest as a first lien on the property for whose benefit the work was undertaken.

The conditions under which a Street Disturbance Permit may be granted are identified in the Town of Digby Streets and Sidewalks Bylaw # 2009-06, and are attached to this Application form as Schedule "A"

Dated at \_\_\_\_\_ Nova Scotia this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

APPLICANT \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_



# Street Disturbance Permit

## Application Appendix "A"

### Street Disturbance Permit

1. No person shall:
  - (1) make any excavation in a street;
  - (2) cause or permit the breaking of the surface of a street or other physical damage to a street by construction activities in or near a street; or
  - (3) otherwise engage in construction activity or other temporary activity that is likely to obstruct pedestrian or vehicular traffic in a street without first obtaining a Street Disturbance Permit from the Engineer.
2. Every application for a Street Disturbance Permit shall include
  - (1) a non-refundable fee of **\$10.00** when the Permit is required solely because of an obstruction of one month or less to the pedestrian or vehicular traffic in a street, without breaking or damaging the surface or subsurface of a street or to Town of Digby infrastructure or property in, on or under a street;
  - (2) a non-refundable fee in the amount of **\$100.00** in all other cases; and
  - (3) where an excavation or other construction activity is involved that may, in the opinion of the Engineer, cause damage to a street, a security deposit in the amount of **\$1,000.00**.
3. The security deposit required under Subsection 3 of Section 2 shall be retained as security that the applicant will properly perform and complete the work for which the permit is granted, and restore and keep the surface of the street and other Town of Digby property when such work is done, to a good condition to the satisfaction of the Engineer for a period of six months after the completion of the work.
4. If the Engineer is of the opinion that the surface of the street or other Town of Digby property is not restored and kept in good condition for the six month period, he may, upon advance notice to the Permit holder, perform such work in respect of the street as he considers necessary and the cost shall be deducted from the deposit, and the balance, if any, returned upon the expiry of the six month period. If the cost of such work exceeds the deposit, the Town of Digby may recover the balance, together with costs and pre-judgment interest, by action in any court of competent jurisdiction from the Permit holder, or may charge and collect the balance, together with costs and pre-judgment interest as a first lien on the property for whose benefit the work was undertaken.
5. The Engineer may grant an Annual Street Disturbance Permit to a utility for the purpose of the installation of Utility facilities, including pavement patching related thereto which require excavations in municipal streets, subject to such conditions as the Engineer may determine, and, without restricting the generality of the foregoing, any such permit shall require that the Engineer be informed of the location and time of each instance of street disturbance prior to its commencement.
6. An application for an Annual Street Disturbance Permit shall include
  - (1) a non-refundable fee of **\$500.00**; and
  - (2) a security deposit in the amount of **\$10,000.00** to be maintained in place for the duration of the permit.
7. The provisions of sections **5 and 6** shall apply, with any necessary changes for context, to the annual security deposit pursuant to **Subsection (2) of Section 6** and the balance of the security deposit shall be returnable upon expiration of the permit.
8. Every Permit holder shall file in the office of the Engineer a notice of completion of work for all facilities constructed or repaired within a street within one week of the completion of the work.
  1. Every excavation in a street shall, after notice, either written or verbal, given by Engineer to the Permit holder, be closed and filled as required by the notice, and if it is not so dosed and filled

within 48 hours after such notice, then it may be closed and filled by the Town of Digby at the expense of the Permit holder.

9. In the event of an emergency arising at the location of the excavation, the Engineer may immediately fill or direct the filling of the excavation at the expense of the Permit holder.

10. Every person obtaining a Street Disturbance Permit to make any excavation or opening in any street shall

- (1) sufficiently and continuously light the excavation at night;
- (2) enclose and secure the excavation by a fence or barrier at least one meter in height; and
- (3) comply with any standards relating to excavations in the *Occupational Health & Safety Act* or *Regulations* or any other applicable statutes or regulations.

11. In addition to any other conditions imposed by the Engineer for the granting of a Street Disturbance Permit, all permits shall be subject to the following conditions:

- (1) the Engineer may stipulate the hours of work;
- (2) the Permit holder shall keep the work site at all times safe with respect to vehicular and pedestrian traffic, including direction of traffic, barricades, lights, signs, and supply of properly equipped and trained traffic control personnel for protection of traffic, in accordance with the Temporary Workplace Control Manual or other standards in force pursuant to the *Occupational Health and Safety Act*;
- (3) the Engineer may order additional precautions, work stoppages and restorations of the street should circumstances warrant and upon the failure of the Permit Holder to comply within 24 hours with such order, or immediately in the event of an emergency, the Town of Digby may undertake any necessary action at the expense of the Permit holder.
- (4) the Permit holder shall ensure that the street is kept free from nuisance, dirt, and dust;
- (5) the Permit holder shall dispose, store, or haul away any clean material suitable for use as structural fill excavated from a street in accordance with the directions of the Engineer and the material may, at the Engineer's discretion, remain Town of Digby property;
- (6) the Permit holder shall ensure that all excavations are backfilled and restored in such manner and with such material as is approved by the Engineer and that advance notice of a minimum of 24 hours of the backfilling operation shall be provided to the Engineer so that it may be properly inspected;
- (7) the provision of an indemnity in favour of, and in form satisfactory to, the Town of Digby for the defence and indemnification of any claims arising out of or in relation to the proposed street disturbance activities;
- (8) the permit shall be valid for a period of *6 months* from date of issuance, but where work has commenced the permit shall expire *12 months* after the date of issuance; and
- (9) any other condition in respect of safety or preservation of Town of Digby property interests that the Engineer may impose.

12. In the event of an emergency requiring the immediate excavation of the street, the Engineer may give verbal permission for such excavation on the condition that a Street Disturbance Permit is applied for and obtained on the first working day subsequent to the granting of such permission.

13. The Engineer may refuse to issue, renew or amend, or may revoke or suspend a Street Disturbance Permit, upon reasonable notice to an applicant or Permit holder, when

- (1) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder has adequately protected or will adequately protect the Town of Digby's property;

- (2) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder has minimized or will minimize the obstruction to pedestrian or vehicular traffic in the street;
- (3) the Engineer is not satisfied that the steps taken, or proposed steps to be taken, by the applicant or Permit holder has achieved or will achieve compliance with any applicable Policies or Standards of the Town of Digby;
- (4) this By-Law or the terms or conditions of a Permit have been contravened; or
- (5) for any other reason in the public interest.

14. A person aggrieved by a decision of the Engineer pursuant to Section 13 may appeal that decision to Council within 15 days of the decision by written notice of appeal to the Clerk.

15. After the hearing of an appeal, Council may confirm, rescind or vary the decision of the Engineer.