

Authority: Public Works and Infrastructure Committee Item 31.1,
adopted as amended, by City of Toronto Council on March 31 and April 1, 2010
Enacted by Council: April 1, 2010

CITY OF TORONTO

BY-LAW No. 359-2010

To amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to incorporate new regulations for the utility cut management process.

WHEREAS City Council has authorized amendments to Chapter 743, Streets and Sidewalks, Use of, to incorporate certain new regulations pertaining to the utility cut management process for City streets; and

WHEREAS the *City of Toronto Act, 2006* authorizes City Council to establish regulations for the use of City property, including establishing a system of permits for such use and requiring persons to do things in respect of such use; and

WHEREAS the *City of Toronto Act, 2006* also authorizes City Council to establish fees and charges for activities or services done by the City and the use of City property, for the recovery of costs incurred by the City, including costs for administration, enforcement and the acquisition or replacement of capital assets;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 743, Streets and Sidewalks, Use of, of The City of Toronto Municipal Code is amended by adding the following section to the Chapter:

§ 743-6. Utility cut permit conditions.

In addition to the requirements under any other City by-law or permit issued under a City by-law, the following shall apply to any application for a permit to excavate or dig in a City street or install, replace, construct, maintain or repair equipment, plant or structures within a City street:

- A. The applicant shall pay all applicable fees as required under Municipal Code Chapter 441, Fees and Charges, including the utility cut billing fee, pavement degradation fee and full stream utility cut application fee.
- B. A permit under the full stream application process shall not be issued for an excavation longer than 1 kilometre.
- C. All temporary restoration and repair work required as a condition of a permit referred to in this section shall be done to the standards as required by the General Manager and, in the event that a failure to properly undertake such work results in the City being forced to repair the work on an emergency basis, the City may itself or by third party contractor, undertake the necessary work to restore the pavement structure, and the City may recover the cost of doing so from the person responsible by action

or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

- D. The applicant shall, during the performance of the work, provide the following methods of notification and information to the public in such manner as directed by the General Manager in the permit:
- (1) The applicant shall issue a printed public notice to the occupants of property impacted by the work which shall provide information on the type of work to be undertaken, details on the type of road repairs, the expected duration of the work, and the expected timing for permanent repair of the street;
 - (2) The applicant shall equip all vehicles with magnetic vehicle identification signs indicating the type of field work crew on site and identifying (including the display of corporate logo) the party for whom the work is being done;
 - (3) The applicant shall ensure that signs are erected at the location of the work which include the contract number, type of work to be done and the duration of the work for short term projects and identifying (including the display of corporate logo) the party for whom the work is being done; and
 - (4) The applicant shall, upon completion of any temporary repair to the street pavement, stamp or stencil the location of the temporary repair in a manner satisfactory to the General Manager to identify the party responsible for the inspection and maintenance of the temporary repair.

ENACTED AND PASSED this 1st day of April, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)