

Application for a Highway Occupancy Permit

The Corporation of The Town of Fort Erie (Town)
 Infrastructure Services Department
 1 Municipal Centre Drive,
 Fort Erie, ON L2A 2S6

INFRASTRUCTURE
 SERVICES
 USE ONLY

Application number
HOP -

Information on this form is collected pursuant to the *Municipal Act* 2001, S.O. 2001, c.25 and will be used for the purposes of administering Town of Fort Erie [By-Law No. 120-2015](#), as amended.

The Town is responsible for ensuring that its highways are kept in a state of repair that is reasonable in the circumstances, and to ensure the safety of persons using its highways. This policy regulates, through a permitting process, the use, alteration and occupancy of all highways **with respect to construction on private properties** necessitating the occupancy of a portion of a highway within and under the jurisdiction of the Town. If your application does **NOT** relate to construction on private property please contact Infrastructure Services to discuss your requirements.

Please check the guidance in this form carefully.

- Your application may be delayed if you make a mistake, if you do not enclose the necessary documents or if you send documents that do not meet our guidance.
- Your application must be received by Infrastructure Services at least five (5) business days prior to your proposed work.
- Permit fees must be paid and your approved permit collected prior to any impedance of the Highway.
- Open cutting of the road and/or removal of sidewalk is not permitted without prior written approval.

1. General Information

Property street address	Street number <i>(required)</i>	Street name			
	<table border="1"> <tr> <td style="text-align: center;">Start</td> <td style="text-align: center;">End</td> </tr> <tr> <td>What are your intended Start/End dates?</td> <td></td> </tr> </table>		Start	End	What are your intended Start/End dates?
Start	End				
What are your intended Start/End dates?					

2. What type of Permit do you require?

Put a cross (X) in the relevant box(es).

- To restrict access to a Highway
Complete road closure(s)
- To disrupt or impede vehicular and/or pedestrian traffic on a Highway
Partial road lane closure(s) and/or (partial) sidewalk closure(s)
- To place material(s) and/or equipment (of any kind) on the Highway and/or Sidewalk
- To place moving container(s) or disposal bin(s) on the Highway and/or Sidewalk
- To store construction or landscaping material(s) on the Highway and/or Sidewalk
- To permit the crossing of a boulevard by workers and/or vehicles to gain access to private property where there is no depressed curb or driveway
- To occupy the Highway with workers to support construction

3. Please provide a summary of your proposed work(s)

4. Applicant Information

Name / Company

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Site representative
If applicable

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Street address

Street no	Street name		
Town/City	Province	Postcode	

Email address

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Phone/fax

Phone no	Fax
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I/We are: The *Owner(s)* of the property listed in Section 1. A *Contractor*, working on behalf of the *Owner(s)*.

Insurance provider
See note 4

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Expiry date

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5. Property Owner(s) *if different from above*

Where there are multiple owners, please attach a list with the names and details of each owner.

Owner's name

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Street address

Street no	Street name		
Town/City	Province	Postcode	

Email address

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Phone/fax

Phone no	Fax
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6. Workplace Safety and Insurance Board (W.S.I.B.)

The intent of the *Occupational Health and Safety Act*, “the Act”, is to have one person with overall authority for health and safety matters on a project. This person is the ‘constructor’ of the project.

If you are the Owner(s) of the property named in Section 1, and will **NOT** be employing any person(s), contractor(s) or sub-contractor(s) to perform any work(s) that requires occupancy of the highway, then you might not need a W.S.I.B. Certificate of Clearance.

In any other case, anyone with or without employees (including family members and sub-contractors) may have to register with W.S.I.B. This is because the public right-of-way (the highway) is **NOT** considered (part of) a private residence or property.

If you are unsure about whether you need to register, or if your Certificate of Clearance is not valid for all your proposed work(s), you **must** take the questionnaire available at the [W.S.I.B. website](#), selecting “I run a construction business”, or call **1-800-387-0750** to determine if registration is required or if changes are needed.

DECLARATION

Under the definitions of the *Occupational Health and Safety Act*, **I/we confirm that I/we are the ‘Constructor(s)’** for the purpose of this project. I/we agree to assume all responsibility, and liability, for ensuring that all persons, employees, employers, skilled-tradespersons, contractors, sub-contractors, workers and/or any other type of legal entity on the project, whether paid or unpaid, fully comply with the Act and its regulations.

Before signing this document, I/we confirm that I/we have contacted the Workplace Safety and Insurance Board and have independently verified I/we:

- DO NOT** need to provide a W.S.I.B. Certificate of Clearance. I/We claim this exemption due to the following reason(s):

- NEED TO SUPPLY** a W.S.I.B. Certificate of Clearance issued in my/our [company] name. – See note 2b

7. How will your Permit affect the use of the Highway at night?

- Any obstruction(s) will be **removed** overnight and the area made safe.
Vehicles/Pedestrians will have unencumbered use of the Highway and/or Sidewalk
- Obstruction(s) to the Highway and/or Sidewalk **will still be present** and the restriction(s) are necessary overnight.

8. Application Fee & Damage Deposit

Fees and Charges are subject to change. A copy of the most current Consolidated Schedule of Fees and Charges can be found by visiting <http://www.forterie.ca/pages/FeesandCharges> and selecting the current year.

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|--|-------------------|
| <input type="checkbox"/> Application Fee (Non-refundable) | \$113.95 |
| <input type="checkbox"/> Damage Deposit; have driveway access
<i>No expected damage to road/sidewalk</i> | \$100.00 |
| <input type="checkbox"/> Damage Deposit; sidewalk cut
<i>Works require the sidewalk to be cut</i> | \$600.00 |
| <input type="checkbox"/> Damage Deposit; sidewalk cut
<i>Works require road access without a driveway and/or curb</i> | \$1,200.00 |

General Requirements and Specifications

Make sure you are using the latest version of this application form. You can find the version date at the bottom of the form. For example, “HOP1 (01-2022)” means the version date is January 2022. The date you sign or send your form does not change the version date. The latest version can be found at <https://forterrie.ca/pages/EngineeringDivision> under ‘Permits’. If you submit your application on an older form, we will return it to you and ask you to resubmit using the newest version of the form.

The notes below are not an exhaustive list of all conditions attached to the issuance of a Highway Occupancy Permit. It is the responsibility of the Applicant to review the relevant legislation and satisfy themselves before proceeding. In case of a discrepancy between the language in this document and the relevant legislation or regulations, the legal text in the legislation and regulations prevails. For legal information, see [By-Law 120-2015](#)

1. **Highway Occupancy Diagram** – The Applicant shall prepare and submit a Sketch, Map and/or Diagram of the affected Property and Highway(s). This must be marked with the location and approximate dimension(s) of any proposed obstruction(s). **Plan must be legible, scaled and field verified.**

2. **Workplace Safety & Insurance Board (W.S.I.B.)**

- a. If it is **only** the Owner(s) of the Property named in Section 1, the Applicant shall declare that they will **NOT** be employing any person(s), contractor(s) or sub-contractor(s) to perform any work(s) that requires occupancy of the highway; **or**, in any other case,
- b. The Applicant shall supply a valid Workplace Safety and Insurance Board (W.S.I.B.) Certificate of Clearance certifying that they are in good standing with the Board. Such a Certificate shall be endorsed to cover all activities being undertaken in relation to the proposed work(s);

If the Certificate of Clearance issued **does not** indicate coverage for construction work (“Class G”) the Applicant shall supply a letter, from W.S.I.B., stating he/she/they are *already covered* for the purposes of “Class G” activities **and/or** that W.S.I.B. is/are *aware* of the Applicants’ *intended* “Class G” activities; **and**

The Applicant shall supply a list of activities being undertaken in relation to the proposed work(s), along with the type of sub-trade, name(s) and address(es) of sub-contractor(s) and date(s) for each activity.

3. **Roadways Operated by other bodies:**

- a. (Parts of) *Bowen Road, Central Avenue, Dominion Road, Garrison Road, Gilmore Road, Gorham Road, Helena Street, Montrose Road, Netherby Road, Phipps Street, Sodom Road, Stevensville Road and Thompson Road*, these are considered road allowances administered by the *Niagara Region*.

Further information on requirements for these roads can be found by contacting (905) 980-6000 or at the following weblink: <https://www.niagararegion.ca/living/roads/permits/default.aspx>

- b. *Cairns Crescent, Frenchman’s Lane*, (parts of) *Lakeshore Road, Niagara Boulevard, Niagara Parkway Boulevard, Niagara River Parkway*, or any *Service Roads* attached to these streets, these are considered road allowances administered by the *Niagara Parks Commission*.

Further information on requirements for these roads can be found by contacting (905) 356-2241 or at the following weblink: <https://www.niagaraparks.com/permits/>

4. **Insurance Requirements** – During the period of any authorized work(s) the contractor shall keep and maintain insurance coverage as outlined below, provided by (an) insurance company(ies) licensed to transact business in the Province of Ontario, and of satisfactory financial standing to The Corporation of the Town of Fort Erie.
- Commercial general liability insurance in the minimum amount of **two million dollars (\$2,000,000)** inclusive per occurrence. Coverage shall include but not limited to bodily injury including death, damage to property including loss of use thereof, personal injury, premises and operations liability, tenant legal liability and shall contain a cross liability, severability of insured clause. Such policy shall be endorsed to protect the Corporation of the Town of Fort Erie as an Additional Insured as the owner of the highway against all liability but only with respect to the construction of the Applicant.
 - Such insurance shall be primary and will not call in to contribution any other insurance that may be available to the Town.
 - The Applicant shall provide an insurance certificate to the satisfaction of the Town that confirms the Town's requirements as stated above. If requested by the Town the Applicant is to provide a certified true copy of the policy certified by an authorized representative of the insurer.
 - The policy shall be endorsed to provide the Town with not less than thirty (30) days' written notice of cancellation. If the policy is cancelled for any reason or if the permit holder fails to confirm that insurance coverage is in place at all times the permit holder will be required to immediately remove their operations from the Town's premises.
5. **Traffic Control Plan and Detours** – The Applicant shall submit a Traffic Control Plan which shall conform to the Ministry of Transportations' most recent Ontario Traffic Manual, Book 7, Temporary Conditions. Plan must include the relevant section(s) of the manual applicable to their proposed work(s) as well as a diagram of the affected roadway(s) and Signing Requirements that will be used.
- Any plan involving detour(s) on/over a roadway owned or operated by either the *Niagara Region* and/or the *Niagara Parks Commission*, **as found in note 3**, shall also provide proof of permission and/or a letter of non-objection from the relevant authority, as may be applicable.
6. **Vehicle Parking** – Unless permission is specifically given in the Permit, vehicles of any kind, are not to be parked any closer than 3 metres to a fire hydrant, and no closer than 6 metres from a crosswalk, whether marked or unmarked. "No Stopping" Zones, whether Full-Time, Part-Time, or during rush hours, shall be adhered to.
7. **Sidewalks** – Any hoses, cords, pipes or other apparatus which crosses a sidewalk shall be securely ramped so as not to cause a tripping or accessibility hazard to pedestrian traffic.
8. **Notification to Emergency Services & Public Transit** – The Applicant shall notify the following service providers, together with a copy of the **approved** Highway Occupancy Permit, prior to construction and on each day the right-of-way is impeded:
- | | |
|--|---------------------------------|
| <i>Fort Erie Fire Department</i> | <i>(905) 871-1600 Ext. 5600</i> |
| <i>Niagara Regional Police Service (NRPS)</i> | <i>(905) 871-2300</i> |
| <i>Emergency Medical Services (EMS)</i> | <i>(905) 984-5050</i> |
| <i>Niagara Student Transportation Services (NSTS)</i> | <i>(905) 346-0290</i> |
| <i>Fort Erie Transit</i> | <i>1-833-287-5463</i> |
| <i>Fort Erie Accessible Specialized Transit (FAST)</i> | <i>1-833-933-3278</i> |
| <i>Town of Fort Erie: Road Operations</i> | <i>(905) 871-1600 Ext. 2466</i> |
| <i>Niagara Regional Waste Management</i> | <i>(905) 356-4141</i> |
9. **Utility Locates** – The Applicant shall obtain utility locates prior to commencement of construction, as determined by the Director based on the type of construction, and shall not interfere with any public or municipal utility.
10. **Pre-construction Condition of Highway** – The Applicant shall take new photographs of the part or parts of the highway upon which construction will take place, and provide the photographs, together with a written list of any deficiencies to the highway, and submit the same with this application.
11. **Notice of Service Disruption** – The Applicant shall not commence construction until the Town has given notice of service disruption in accordance with the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and regulations thereto, as may be amended or replaced from time to time.

9. Supporting documents / checklist

Send the following documents with your application. Check each box once you have included it. If you do not enclose all the required documents, your entire application will be returned to you.

- Application for a Highway Occupancy Permit - (HOP1)** application must be completed, signed and dated. *All pages must be returned.*
- Highway Occupancy Diagram.** See **note 1** of the General Requirements and Specifications.
- Traffic Control Plan.** See **note 5** of the General Requirements and Specifications.
- Certificate of Insurance.** See **note 4** of the General Requirements and Specifications.
- Pre-construction Photograph(s).** See **note 10** of the General Requirements and Specifications.
- Where applicable:** A valid Workplace Safety and Insurance Board (WSIB) Certificate of Clearance. See **note 2** of the General Requirements and Specifications.

10. Declaration by Applicant

Permits are issued based on the information supplied by the Applicant. This application form, as well as any supporting documents, will form part of your permit. Knowingly providing false or misleading information may render any permit issued as invalid. You are required to have a copy of this permit on site at all times during the time frame stated in your approval.

I/We hereby apply for prior approval as described in the pages of this application. I/We have been provided, have read and agree to adhere to the General Requirements and Specifications document contained in this package and acknowledge I/we have been provided and/or have obtained a copy of By-Law 120-2015 prior to submission. I/we will undertake to ensure all sub-contractors hired by us in completion of our work will also comply with the above standards, I/we agree to follow all directives noted on the Permit and/or those subsequently issued on authority of the Town.

I/We, our heirs, executors, administrators and assignees will indemnify and save harmless the Corporation of the Town of Fort Erie, the "Town", and any Public Utility / Telecommunication Company, agency, board or commission having utilities within the Right of Way, which may in any manner be affected through the right of occupation hereby granted, from any and all claims, demands, suits, actions and judgements made, brought or recovered against the Town and from all loss, costs, damages, charges or expenses that may be incurred, sustained by reason of the granting of this Highway Occupancy Permit, including any loss resulting from any violation under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, together with defence costs, fines and penalties. The Applicant shall be considered the "constructor" for the purposes of the *Occupational Health and Safety Act*. The indemnity provisions of this Agreement shall survive the termination of the Agreement.

I/We agree to pay all fees in advance and, where the Town costs exceed any deposits, I/we hereby agree to pay the balance within 10 calendar days from the date of invoice.

Where applicable: I/We have the authority to bind the company/corporation.

Applicant's signature: <i>(As per Section 4)</i>	Name (print)	
	Signature	Date
Property Owner's authorization: <i>(As per Section 5)</i>	Name (print)	
	Signature	Date