

CORPORATE POLICY



Policy Title: **Road Occupancy By-Law Procedure and Policy**
Policy Category: **Public Lands and Rights-of-Way Policy**
Policy No.: PW-001
Department: Integrated Planning and Public Works
Approval Date: April 23, 2014
Revision Date: "[Click here & type revision date]"
Author: Chris Dedman
Attachments: N/A
Related Documents/Legislation: Road Occupancy By-Law
Key Word(s):

POLICY STATEMENT:

This policy addresses the enforcement of the Road Occupancy By-Law and links to the Strategic Plan through Healthy and Safe Communities and Getting Around.

PURPOSE:

The purpose of this procedure and policy is to provide a clear process to ensure the proper use of highways in the City of Waterloo and that all requests to occupy the right-of-way are handled in a consistent and timely manner in accordance with the intent of the Road Occupancy By-Law and Permit conditions.

DEFINITIONS:

“**Director**” means the Director of Transportation Services for the City of Waterloo, or their designate.

“**Order**” means written Order in compliance with the Road Occupancy By-law as amended from time to time.

“**Person**” means an individual, owner, sole proprietorship, partnership, unincorporated association or corporation.

SCOPE:

This procedure and policy applies to all Person(s) performing work on a highway in the City of Waterloo with or without a valid permit.

Mandatory Policy, *Municipal Act*: No

Policy Administration Team, Review Date April 8, 2014 _____

Corporate Management Team, Review Date April 23, 2014 _____

POLICY COMMUNICATION:

This policy will be made available to the public and staff through the City Website and Intranet. It will be communicated to permit holders and any Person requiring a permit, through education and staff visits to site.

POLICY:

1. Inquiries and concerns relating to work performed on a highway shall be directed to the Director of Transportation Services, in writing to 265 Lexington Court, Floor, Waterloo, Ontario N2J 4A8, by telephone, by email or in person during regular business hours.
2. Complaints will be dealt with as prioritized by the Director, who will consider:
 - a. Imminent or perceived safety hazard to the public;
 - b. Obstructions and minor safety concerns;
 - c. City property damage not considered to be a safety concern, and;
 - d. All other complaints or concerns.
3. The complainant's personal information will be kept confidential, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, unless permission to release such information is provided by the complainant or unless the complainant is required as a witness in court or at a hearing or tribunal.
4. The Director will determine any action to be taken with respect to an investigation within the scope identified below:
 - a. First Offence – the Director shall educate and/or issue an Order with a specific timeline to comply with the Order;
 - b. Second Offence - the Director shall issue an Order to discontinue activity with a specific timeline to comply with the Order;
 - c. Continuing Offences – the Director may issue a Provincial Offences Notice for violations found.
 - d. Remedial Action – if a Person fails to comply with any Order within the specified time, the City may take steps to remediate the contravention at the Person's expense.
5. The Order shall be given to the Person in a manner and form compliant with legislation, but at minimum, it will be posted on the property in violation.
6. The Director will re-inspect the highway after an Order has lapsed to ensure compliance of that Order.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.