

## Standard Terms and Conditions for Breaking Soils Permits

### EXCERPT FROM THE MUNICIPAL GOVERNMENT ACT Section 317 (1), (2) & (3)

- (1) No person shall break the surface of a street without the permission of the Engineer.
- (2) The Council, may by policy, prescribes the terms upon which a permit to break the surface of a street may be granted, including setting a fee for the permit and requiring security to be posted to ensure that the street is restored.
- (3) No person shall construct or widen a driveway, or other access to a street, without the permission of the Engineer.

### COPY OF RESOLUTION BY MUNICIPAL COUNCIL OF THE MUNICIPALITY OF THE COUNTY OF KINGS (February 5, 2002)

RESOLVED, that the Council, pursuant to s.317 of the Municipal Government Act, prescribes the following terms upon which a permit to break the surface of street may be granted:

The permit holder shall, subject to the control and supervision of the Engineer for the Municipality ("the Engineer"):

- 1 Save and hold harmless the Municipality against any and all claims for personal injury and/or property damage of whatsoever nature, both during and after the execution of the work covered by this permit, where, in the opinion of the Engineer, any such claims arises from the execution of the work.
- 2 Provide a deposit as prescribed herein.
- 3 Bear ALL damage costs during the laying of the pipe or cable or other work undertaken to the street shoulders, ditches, culverts, pavements and other installations and all subsequent damage costs to the street that are, in the opinion of the Engineer, attributable to the work under the permit.
- 4 Bear ALL damage and repair costs to private property or access that, in the opinion of the Engineer, are attributable to the work described above.
- 5 Bear ALL costs of relocation of the pipe, cable, or damage to any other municipal installation, whenever required by the Engineer, including payment of interest on any damage, cost or claim under this policy at the rate of 12.68% per annum.
- 6 Bear ALL costs during the work described above in connection with:
  - (a) all claims for damage due to accidents.
  - (b) direction of all traffic, including barricades, lights, signs and supply of properly equipped and trained Traffic Control personnel for protection of traffic according to the Nova Scotia Department of Transportation and Public Works Temporary Workplace Traffic Control Manual.
  - (c) maintaining street surface and ditches adjacent to project.
  - (d) inspection charges.
- 7 Perform all cuts of existing paved surfaces with pneumatic breaker, hydraulic breaker, cutting wheel, or other similar device.
- 8 Provide that all backfill material placed in the sections of the trenches that are under the street shoulder contain no stones over 160mm in largest dimension from a point two diameters above the said pipe until the existing grade is reached; all such backfill is to be vibratory tamped in layers of 160mm, the top two 160mm layers of which is to be composed of clean gravel containing no stones over 80mm in largest dimension.
- 9 Provide that upon completion of the work, the street shoulder shall be left in a neat condition and dressed with gravel containing no stones over 20mm in largest dimension.
- 10 Carry out the work with minimal interruption to highway traffic and provide Engineer with work schedule.
- 11 Carry out the work in every respect satisfactory to the Engineer.
- 12 Carry out the work of the project in a manner satisfactory to the Engineer.
- 13 Repave immediately or when applicable, maintain the backfilled excavation to the satisfaction of the Engineer until such time as the excavated trench is repaved at 160kg/m<sup>2</sup> or such thickness as to match the existing pavement, whichever is the greater.
- 14 Not open more that 120 metres of roadway at any one time.
- 15 Immediately cease work upon order of the Engineer or cancelling of this permit.
- 16 To obey additional terms and conditions as may be set by the Engineer for the installation of cable, telephone, and power transmission poles and lines.
- 17 The Engineer may at anytime exercise the authority of Municipal Government Act, Sections 317, 318 and 507.

**RESOLVED FURTHER that, pursuant to s.317 of the Municipal Government Act, the Council set the following fees as security to ensure that the municipal highway will be restored:**

Isolated Cross Cuts:	(a) Paved Roads	\$15.00 per lineal foot
	(b) Gravel Roads	\$7.50 per lineal foot
Major Projects	(a) In Roadway	\$9.00 per lineal foot (cross cuts will be added to obtain total length of project)
	(b) Back of ditch and Unpaved Roads	\$3.00 per lineal foot

Note: There is a refundable deposit required of \$300.00 for Driveway Culvert Installation. This is payable by cash, cheque or interac. Payable to **THE MUNICIPALITY OF THE COUNTY OF KINGS**. If the applicant wishes to transfer the fee to a different lot, a request must be made in writing and a new BSP filled out by the applicant.

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO REQUEST AN INSPECTION FOR REFUND OF DEPOSIT, PRIOR TO ANY PLANNED SURFACING OF DRIVEWAY IF APPLICABLE.**