

## Policy Manual

Section:	Infrastructure Services
Subject:	Property Servicing within the Town of Essex
Policy Number:	52
Approval Date:	December 19, 2022
Approved By:	Council Resolution R22-12-969
Prepared By:	Manager of Environmental Services

## 1. Objective

The Town of Essex owns and/or operates a network of municipal services across the municipality which are vital to the economic prosperity and the social and environmental well being of our community. The Town currently owns and operates the following municipal service areas:

- Harrow-Colchester South Water Distribution System
- Union Water Distribution System
- Colchester Wastewater Collection System
- Harrow Wastewater Collection System
- Essex Wastewater Collection System
- Northeast (Essex Centre) Wastewater Collection System
- Urban Stormwater Management
- Rural Stormwater Management (Municipal Drainage)

This policy provides a process for property owners in the Town of Essex to perform property servicing works from municipally owned transmission lines to private property. In addition, it also sets out the procedures to become a contractor licensed to work within the Town's right of way.

## 2. Definitions

**Licensed Contractor** – License holder, granted by the Town of Essex, who is permitted to complete site servicing works within the public right-of-way.

**Right of Way** – Land owned by The Corporation of The Town of Essex as opened or unopened road allowances for the purpose of operating a public highway, a public walkway, municipal services or public utilities.



**Property Owner** – The holder(s) of a legal title to property.

**Service Connection** – A municipally owned Water/Sanitary/Storm connection located from the municipal transmission line to the property line of the private property being serviced.

**Servicing** – The installation of a municipally owned Water/Sanitary/Storm service connection from the municipal transmission line to the property line of the private property being serviced.

**Site** – Privately owned property within the Town of Essex that requires servicing.

**Transmission line** – a watermain, sewer, ditch, drain used for the conveyance of water or sewage to/from service connections.

**Qualified Contractor** – A contractor who meets the requirements of this policy and would be eligible to receive a 'Licensed Contractor' License from the Town of Essex.

### 3. Scope

This policy seeks to create a streamlined approach to performing site servicing work for private property within the Town of Essex. This will be achieved through the licensing of Qualified Contractors through an application process set out in this policy.

Through the licensing of Qualified Contractors, private property owners will be able to contact these authorized contractors directly to obtain pricing for site servicing. Owners/Contractors will still be required to obtain all necessary permits from the Town of Essex to ensure compliance with Town standards and to arrange the necessary inspections for the works.

This policy does not apply to servicing of properties or lots that are being serviced as part of a Plan of Subdivision or Site Plan Control process.

### 4. Servicing Process

For an individual lot to be serviced with municipally owned infrastructure in the Town of Essex, the following process will need to be used. Refer to Schedule A of this Policy for a flow chart that describes this process.



## 4.1 Contact the Town of Essex

Property Owners that wish to service their property with municipally owned services must first make contact with the Town's Environmental Services Department.

Property owners will be provided with a copy of Schedule A of this policy, the applicable permit application, and the list of Licensed Contractors, as described in Section 5.

## 4.2 Procure Licensed Contractor

Using the list of Licensed Contractors described in Section 5.3, property owners shall contact one or all of the Licensed Contractors to obtain pricing, schedule and an Agreement for servicing their lot with municipal services.

All aspects of the procurement of the Licensed Contractor, including but not limited to, the cost, schedule and agreement, together with any other requirements and/or approvals that may be applicable to service the property will be the responsibility the Property Owner and arranged directly with the Licensed Contractor. The Town will not procure or schedule any Contractor services to service a property.

If for any reason the Property Owner wishes to procure a Contractor outside of the list of Licensed Contractors provided, the Town will provide the Property Owner a copy of this policy to provide to their preferred Contractor. All Contractors who wish to become a Licensed Contractor in the Town of Essex shall make application for approval as described further in Section 5 of this Policy.

## 4.3 Permit Process

The Property Owner shall make application to the Town for all required permits in accordance with Town of Essex by-laws and policies. Permits for lot servicing shall not be issued directly to Contractors, they must be applied for and issued to Property Owners.

All fees and charges shall be paid as part of the permit process, this includes but is not limited to, application fee, permit charges, applicable Development Charge(s), and infrastructure buy-in charge(s).

## 4.4 Constructing the Services

Once the permit has been issued by the Town of Essex, the Licensed Contractor is permitted to begin the installation of the services as approved in the permit issued. Prior to connection to the municipal transmission line, the Licensed Contractor is required to give the Environmental Services Manager a minimum of 48 hours notice to arrange for the inspection of transmission line connection.



**At no point is any individual or Contractor permitted to connect to municipal infrastructure without municipal inspection deemed satisfactory.**

Upon completion of the lot servicing, the Licensed Contractor shall provide an as-built drawing (PDC) sheet to the satisfaction of the Environmental Services Department. It is the responsibility of the Environmental Services Manager to ensure that the as-built drawing is delivered to the Town's GIS Technician to import relevant data into the Town's GIS system.

## **5. Contractor's Permitted to Work with the Right-of-Way**

Contractors that wish to perform property servicing works in the Town of Essex must hold a valid up to date license.

### **5.1 Application & Requirements**

Contractors shall obtain a license from The Town by submitting a Licensed Contractor Application in the form deemed appropriate by the Clerk. The following documents would be required for a valid application:

- Complete application
- Application Fee as set in the Fees and Charges By-Law, as amended from time to time.
- Certificate of General Liability Insurance with minimum Coverage of \$5 million with coverage extending to January 31<sup>st</sup> of the following year.
- Certificate of Pollution Liability Insurance with minimum Coverage of \$2 million with coverage extending to January 31<sup>st</sup> of the following year.
- Current WSIB Clearance Certificate.
- Indemnity Deposit as set in the Fees and Charges By-Law, as amended from time to time.
- Any and all other documents that may be required and/or reasonably be requested by the Town from time to time.

In reference to the above listed insurance requirements, the Town of Essex shall be:

- a) Named as an additional insured in the policy of insurance and the policy shall contain a cross-liability/severability of interest clause;
- b) Indemnified from any and all claims, demands, losses, costs or damages resulting from the performance of a contractor's obligation under a contract with the property owner;
- c) Insurance policies shall not be altered, cancelled or allowed to lapse. In case of cancellation of insurance policies, the contractor's Insurer shall provide a thirty (30) days written notice by registered mail to the Town of Essex.

Accepted forms of security deposits are either certified cheque or cash.



Security deposits shall be held for the duration of the license for indemnification and compliance purposes. Use of security deposits for remedy from site servicing on Town owned property can be used at the complete discretion of the Director of Infrastructure Services, acting reasonably, and after providing adequate notice to the License Holder to remedy the deficient works. The security deposit shall not be used for any remedial works on private property as this would fall under the agreement between the Licensed Contractor and the Property Owner.

## 5.2 Application Submission

The complete application as set out in Section 5.1 shall be submitted by a Qualified Contractor to the Clerk's Department of the Town of Essex, where it will be reviewed by the Clerk of the Town of Essex for completeness in accordance with this policy.

## 5.3 License Issuance

Upon successful application, the Clerk's department shall issue a license to the applicant that clearly displays:

- Company Name
- Date of Issue
- Date of Expiration which shall expire on December 31<sup>st</sup> of the current year
- Signature of the Clerk of the Town of Essex or designate

An active list of Licensed Contractors will be kept by the Clerk's Department and regularly updated as required. As it is amended, this list will be circulated to the Infrastructure Services Management team.

The security deposit will be held with the Finance Division until the license expires (December 31<sup>st</sup>) and shall be released. Should a Qualified Contractor wish to reapply upon expiration of the license, the already held security deposit can be applied to the new deposit with any additional funds to be supplied with the new application.

## 5.4 Termination of License

Should a Licensed Contractor request, in writing, that they no longer wish to be a Licensed Contractor, their name will be removed from the Licensed Contractor list and the deposit will be returned to them.

Should the Town of Essex receive notification that at any point during licensure that any of the conditions in Section 5.1 are no longer being met by the Licensed Contractor (ie. Insurance no longer valid), the Licensed Contractor will be notified in writing and shall provide proof of compliance with this policy within 5 business days failing which the License shall be terminated accordingly.



The Town of Essex reserves the right to terminate any license for being in violation or non-compliance with this policy or any other policies, by-laws, regulations or applicable legislation.

## 5.5 Annual Renewal

Contractor Licences expire on December 31<sup>st</sup> each year. Applicants may renew annually and are required to complete another application form and must provide the supporting documents and the application fee as described in Section 5.1. A reminder letter or email will be sent in December or January each year to notify of the expiration of the license.

Should the Licensed Contractor no longer wish to remain licensed, they will notify the Town, in writing, and the security deposit will be returned.

## 6. Responsibilities

The Director of Infrastructure Services has the authority and responsibility to:

- ensure compliance with the Property Servicing Policy

The Manager of Environmental Services has the authority and responsibility to:

- administer and recommend changes to the Property Servicing Policy

The Clerk has the authority and responsibility to:

- to administer the licensing process

Employees of the Town of Essex have the responsibility to:

- ensure that the procedures set forth in the Property Servicing Policy are adhered to

## 7. Indemnification

The Property Owner and applicable Licensed Contractor (the "Indemnitors") shall indemnify and hold harmless the Town and its directors, officers, employees, and agents against any and all claims brought and/or losses awarded against the Town as a result of any breach or non-fulfillment of any obligations under this Policy and its accompanying schedules. The Property Owner and applicable Licensed Contractor and their respective officers, directors, employees, agents, invitees, assigns, contractors, sub-contractors, surveyors, workers, permittees or anyone for whom they are at law responsible, and any of their property thereto shall be at the sole risk of the Indemnitors and the Town shall not be liable for any loss or damage to any property or for any loss or damage or injury (including, but not limited to, loss of life) to any person including, but not limited to, the Indemnitors, however occurring except and to the extent to which such loss, damage or injury is caused by the negligence or wilful misconduct of the Town. Notwithstanding anything herein to the contrary, the Indemnitors covenant that they shall indemnify and save harmless (on a joint and several basis) the Town from and against all claims, demands, costs, damages, expenses and liabilities whatsoever arising caused directly or



indirectly (by any act, omission or negligence) by the Indemnitors performing the obligations under this Policy.

## 8. References

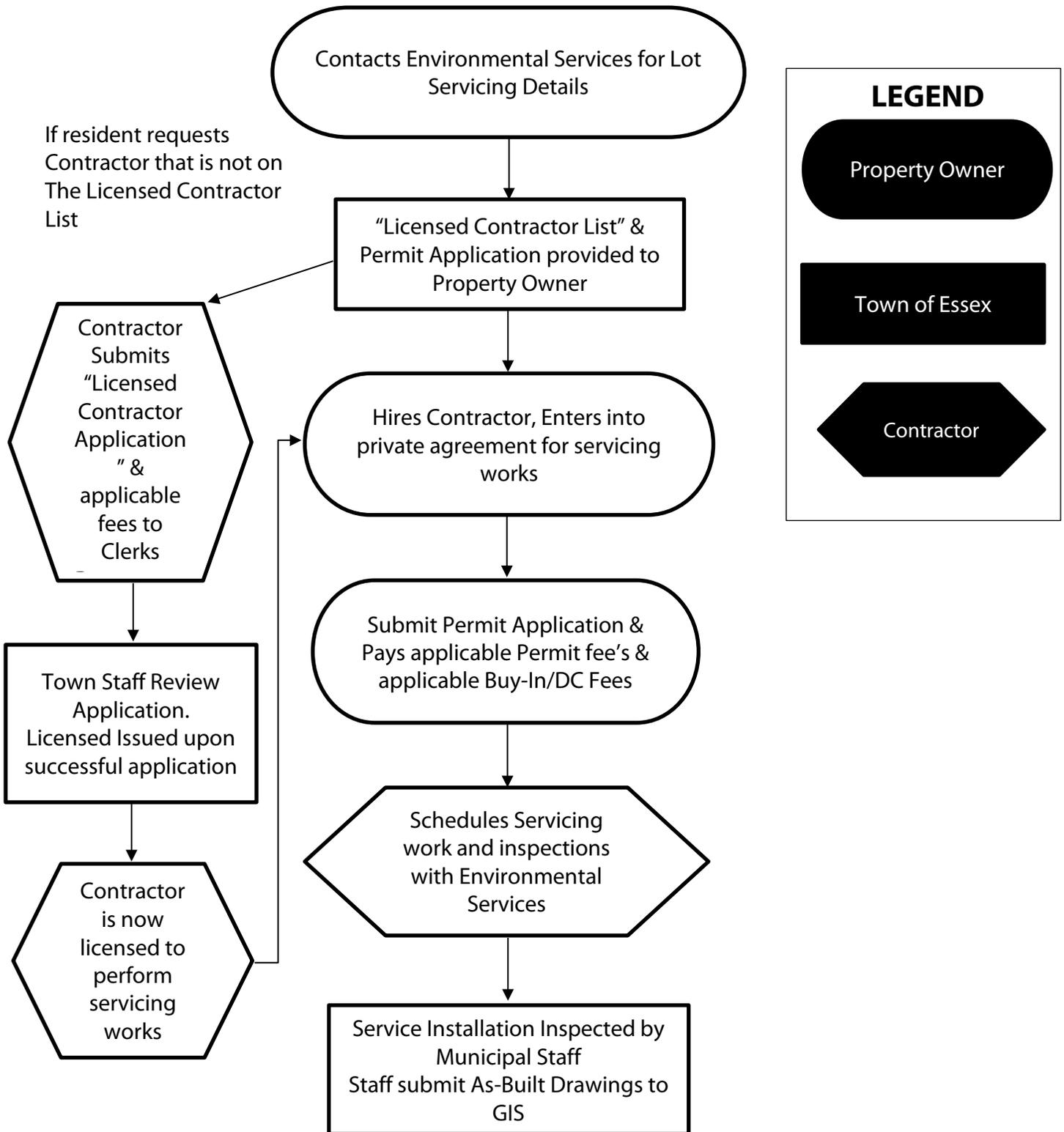
*Town of Essex Development Standards Manual*

*Fees and Charges By-Law*

### Revision Log

<b>Revision No.</b>	<b>Approval Date</b>	<b>Prepared By:</b> (Position Title)	<b>Approved By:</b> (Position Title)	<b>Description of Change</b>
1		Robert Mackie Manager, Environmental Services	Kevin Girard Director, Infrastructure Services	Creation of policy

## Schedule A – Servicing Process





# Licensed Contractor Application

<b>DATE:</b>
<b>1. APPLICANT INFORMATION</b>
Company Name:
Company Address:
Representative Name:
Representative Phone:
Representative Email:
Emergency Contact Name:
Emergency Contact Phone:
<b>2. REQUIRED DOCUMENTS CHECKLIST</b>
<input type="checkbox"/> Completed Application <input type="checkbox"/> WSIB Clearance Certificate <input type="checkbox"/> Certificate of General Liability Insurance, Minimum \$5,000,000.00 <input type="checkbox"/> Certificate of Pollution Liability Insurance, Minimum \$2,000,000.00 <input type="checkbox"/> Applicable Indemnity Deposit <input type="checkbox"/> Applicable Permit Fee <input type="checkbox"/> Other: _____
<b>3. SIGNATURE OF APPLICANT</b>
Print Name: _____ Title: _____ Signature: _____ Date: _____ <b>Individual signing must be able to bind the Corporation</b>

Please send complete package by mail or electronically to [operations@essex.ca](mailto:operations@essex.ca)

<b>**TOWN USE ONLY**</b>	
License Issuance Date: _____	Certificate Provided to Contractor <input type="checkbox"/>
License Issued By: _____	Added to Contractor List and circulated <input type="checkbox"/>
Expiration: _____	

**Application:**

The following documents would be required for a valid application:

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- Any and all other documents that may be required and/or reasonably be requested by the Town from time to time.

**Insurance:**

In reference to the above listed insurance requirements, the Town of Essex shall be:

- a) Named as an additional insured in the policy of insurance and the policy shall contain a cross-liability/severability of interest clause.
- b) Indemnified from any and all claims, demands, losses, costs or damages resulting from the performance of a contractor's obligation under a contract with the property owner. See Section 7 of the Property Servicing Policy for more information.
- c) Insurance policies shall not be altered, cancelled or allowed to lapse. In case of cancellation of insurance policies, the contractor's Insurer shall provide a thirty (30) days written notice by registered mail to the Town of Essex.

**Security Deposits:**

Accepted forms of security deposits are either certified cheque or cash.

Security deposits shall be held for the duration of the license for indemnification and compliance purposes. Use of security deposits for remedy from site servicing on Town owned property can be used at the complete discretion of the Director of Infrastructure Services, acting reasonably, and after providing adequate notice to the License Holder to remedy the deficient works. The security deposit shall not be used for any remedial works on private property as this would fall under the agreement between the Licensed Contractor and the Property Owner.

**License Issuance:**

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