

**CORPORATION OF THE UNITED COUNTIES  
OF PRESCOTT & RUSSELL  
BY-LAW NUMBER 2015-46**

**A BY-LAW TO REGULATE THE CONSTRUCTION OF PRIVATE ENTRANCES ON COUNTY ROADS AND TO PROHIBIT THE OBSTRUCTION OF DITCHES, WATERCOURSES AND OTHER WATER OUTLETS.**

**WHEREAS** Section 8 (1) of the Act, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities,

- a) To enable them to govern their affairs as they consider appropriate; and
- b) To enhance their ability to respond to municipal issues.

**AND WHEREAS** Section 11(3) of the Act provides that the Corporation of the United Counties of Prescott and Russell may pass by-laws with respect to the use of its highways and matters concerning drainage;

**AND WHEREAS** Section 391(1) of the Act, as amended, provides that without limiting sections 9, 10 and 11, those sections authorise the Corporation of the United Counties of Prescott and Russell to impose fees or charges on person, for

- a) Services or activities provided or done by or on behalf of it;
- b) Costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) The use of its property including property under its control.

**AND WHEREAS** Section 27 (1) of the Act, as amended, authorises the Corporation of the United Counties of Prescott and Russell to pass by-laws in respect of a highway under its jurisdiction;

**AND WHEREAS** Council deems it expedient to regulate the construction of entrances upon any County road forming part of the County roads' system of the Corporation of the United Counties of Prescott and Russell;

**AND WHEREAS** Council deems it expedient to prohibit the obstruction of drainage ditches, watercourses and other water outlets within the Corporation of the United Counties of Prescott and Russell as follows:

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the United Counties of Prescott and Russell that:

1. In this By-Law:
  - 1.1 "entrance" means any driveway, laneway, private road, entrance or other structure or facility constructed or used as a mean of access and/or egress to and/or from a highway under the jurisdiction of the Corporation, herein defined as a County Road;
  - 1.2 "front yard ditch filling" means the tiling and covering or filling in, of a County roadside ditch, in front of the property for the purpose of improving a lawn or other frontage;
  - 1.3 "Corporation" or "County" means the Corporation of the United Counties of Prescott and Russell;
  - 1.4 "applicant" means any person, group or corporate body who applies to the Corporation for permission to construct an entrance or a front yard ditch filling;
  - 1.5 "Director" means the Director of Public Works of the Corporation of the

United Counties of Prescott and Russell appointed to administer and manage the provisions of this by-law and includes his authorized subordinates and assistants.

2. Classification of Entrances:

- 2.1 "Public Entrance" means an entrance opening onto a County road from a public road, street or highway or other thoroughfare, maintained by a municipality or other authority;
  - 2.2 "Residential Entrance" means an entrance opening onto a County Road from one or more residential dwelling units where there is no common parking area;
  - 2.3 "Commercial Entrance" means an entrance opening onto a County Road from a property used for commercial, industrial or institutional use or a combination thereof and includes residential properties such as apartments, townhouse developments and other multiple dwelling unit developments having common parking areas;
  - 2.4 "Farm Entrance" means an entrance opening onto a County Road from a farm or other agricultural use, primarily for access to barns and outbuildings;
  - 2.5 "Field Entrance" means an opening onto a County Road from a field or bush forming part of a farm. It shall be used only for the passage of animals and for agricultural related activities, but not for access to buildings of any type;
  - 2.6 "Field Entrance for crop harvesting" means an opening onto a County Road from a field forming part of a farm. It shall be used only for the purpose of harvesting crops, but not for access to buildings of any type;
  - 2.7 "Temporary Entrance" means an entrance that will be used for a limited period of time to permit construction or other short term access.
3. No person, group or corporate body shall undertake to construct, alter or change an entrance or the use of an entrance or shall proceed with the filling or alteration of a front yard ditch adjacent to a County Road, until he has obtained a permit issued from the Corporation and paid the prescribed fees.
  4. Each application for a permit shall be made on the form provided by the Director.
  5. The installation permit shall be issued on behalf of the Corporation and Russell by the Director subject to the terms and conditions provided herein and shall be valid only upon the completion of the terms and conditions contained therein.
  6. The cost of construction or alteration of all entrances or front yard ditch filling, including the construction of catch basins, curbs, gutters, sidewalks, islands, granular, pipes, vegetation or other necessary appurtenances shall be borne entirely by the applicant.
  7. Every application for a permit shall be subject to a fee and shall be accompanied by a security deposit, as set out in Schedule "A". No permit shall be issued until the required security has been deposited and the fee has been paid. No fee paid for a permit shall be refunded. If the Director is satisfied that all the requirements of the permits have been met, the applicant's security deposit will be returned. In the event that a permit is not approved by the County for issuance, the security deposit is refundable.
  8. In the event that an entrance or front yard ditch filling has not been constructed or installed in accordance with the Permit, it shall be removed by the applicant upon written direction issued by the County. Failure to do so will result in the removal by the County at the expense of the applicant, all subject to the enforcement

provisions of this By-Law. All costs incurred by the County shall be paid by the applicant and may be drawn from the security deposit deposited at the time of the permit issuance.

9. Each application for a permit shall be accompanied by proof of ownership of the subject property, in a form satisfactory to the Director and shall provide and maintain Comprehensive/ Commercial General Liability insurance acceptable to the Corporation and subject to limits specified in Schedule "E".
10. In order to do the works, the permit holder shall hire a "competent person" as defined under the *Occupational Health and Safety Act* and shall submit a Traffic Control Plan to the Director. No works shall occur until such time as the Director has approved of the Traffic Control Plan.
10. Where the applicant wishes to construct an entrance, the Director shall determine the size, location and mode of construction of the culvert, bridge, pipe or other structure to be used in the construction of an entrance and he shall state these requirements and any other special provisions he deems necessary on the permit issued to the applicant.
11. Where the applicant wishes to construct a front yard ditch filling, the Director shall determine the size, location and mode of construction of the culvert, bridge, pipe or other structure to be used in the construction of a front yard ditch filling and he shall state these requirements and any other special provision he deems necessary on the permit issued to the applicant.
12. No person shall obstruct any ditch, drain, watercourse or culvert either situated on or adjacent to a County road or any ditch, drain, watercourse or culvert providing an outlet for water discharged from a County road.
13. Any person found to be obstructing a drain, ditch, watercourse or culvert, shall, when requested by the Director to do so, remove the obstruction within such time as is reasonable having regards to all circumstances but, in any event, within twenty-four (24) hours, and in default thereof, same shall be done by the Corporation at the person's expense as provided in Section 446(1) of the *Municipal Act, 2001*, S.O., 2001, Chapter 25, as amended.
14. Each entrance or front yard ditch filling onto a County Road must be designed, constructed and maintained in a manner that will prevent surface water from adjoining properties being discharged via the entrance onto the travelled portion of the County Road.

Restrictions regarding location of entrances:

15. Where an alternate means of access is available, either by connection to the lower tier road system, private road, fire route or a joint mutual entrance, direct access onto the County road system will be denied.
16. An entrance will not be permitted in a location that in the opinion of the Director would cause a traffic hazard.
17. A Residential Entrance, Agricultural Entrance or Field Entrance will only be permitted if it meets all of the minimum requirements listed in Schedule "B".
18. A Commercial Entrance will only be permitted if it meets all of the minimum requirements listed in Schedule "B".
19. A maximum of one entrance may be approved for each existing lot of record. A second entrance shall not be permitted unless it is an auxiliary Field entrance, an auxiliary Farm entrance or an auxiliary Field entrance for crop harvesting used solely for agricultural purposes or is replacing an existing entrance which is not an auxiliary field entrance and meets all of the requirements listed in Schedule "B".

20. No new (additional) entrance permits shall be granted to existing lots of record which have an existing approved entrance whether shared or otherwise onto a County Road. Should a lot of record have more than one existing entrance, the Director, in its sole discretion, reserves the right to eliminate as many entrances as required in order to comply with the provisions of this By-law and the owner shall be required to apply for a permit to remove such entrance(s).
21. No new entrance for lots of record or severed lots shall be permitted on a County road where the average minimum spacing is less than those established in Schedule "B".
22. Where it is not possible to meet a minimum spacing between adjacent entrances as noted in this by-law, a shared mutual entrance may be granted. A shared mutual entrance shall straddle the shared mutual property line between the two land parcels. If a property cannot be serviced by a shared mutual entrance, approval of an entrance will be denied.
23. A new entrance may be permitted for existing lots of record where no entrance has previously been provided, subject to the provisions of this By-Law.
24. A new entrance may be permitted where such a new entrance would replace an existing entrance and would establish superior entrance standards over existing conditions.
25. When an entrance is to be changed or altered or where the property is used for any purpose other than its original use, a permit shall be required and the installation must comply and be subject to all of the provisions set out in this by-law including but not limited to the standards established in Schedule "B".

#### Maintenance

26. Property owners having access to a County Road are solely responsible for the maintenance and replacement of the access including but not limited to the removal of snow and ice, shoulder gravel and winter sand, keeping the portion of the access within the right-of-way in a safe condition for vehicular traffic. Such property owner shall ensure the replacement of all portions of the access as and when necessary. A culvert pipe or any other structure installed under the terms of this by-law shall be the property of the property owner and all subsequent maintenance, repairs, alterations, replacements, etc., shall be the responsibility of the property owner.
27. Any existing entrance or any entrance installed under the terms of this by-law shall be the property of the property owner upon acceptance of the work and all subsequent maintenance, repairs, alterations, replacements, surface repairs etc., shall be the responsibility of the property owner. The applicant or his successor shall maintain and replace from time to time, as required, any works installed under the provisions of this By-Law and installed prior to the passing of this By-Law.
28. Any existing front yard ditch filling or any front yard ditch filling installed under the terms of this by-law shall be the property of the property owner upon acceptance of the work and all subsequent maintenance, repairs, alterations, surface repairs etc., shall be the responsibility of the property owner. The property owner shall maintain and replace from time to time, as required, any works installed under the provisions of this By-Law and works installed prior to the passing of this By-Law.
29. Head walls, retaining walls or structures (ie pillars, timber/railway tie/ block/ stone/ brick walls or any other type of material) at culverts shall not be permitted within the County road allowance. These shall be removed by the applicant upon written direction issued by the Director. The Public Works Department shall not be responsible for replacing any structures connected with any entrance while doing any maintenance work within the road allowance.

30. Curbing shall be permitted for commercial and/or urban entrances provided it conforms to the Ontario Provincial Standard Drawings and Specifications.
31. Where an existing entrance is affected solely by the reconstruction of a County Road or the reconstruction or cleaning of a ditch, the County shall reinstate, at the County's cost, the affected entrance only when the reconstruction of the entrance or the cleaning or reconstruction of the ditch is required by the County or for the Counties purposes. Any original materials of construction salvaged, shall remain the property of the County.
32. The County shall maintain the authority to relocate/close any entrance that does not comply with any section of the by-law.
33. Temporary Entrance
  - 33.1 Notwithstanding the provisions of this by-law, Temporary Entrances may be permitted by the Director. The Director shall specify the mode of construction, establish the standards and specifications of construction and establish the time period the Temporary Entrance shall be permitted to exist.
  - 33.2 If at the end of the specified time period for which a Temporary Entrance installation permit was issued, the said permit is not renewed by the Director, or the structure of the entrance removed, the applicant to which the permit was issued shall be deemed to be causing an obstruction and the provisions of this by-law shall be applied.
34. Time Limit

The construction of an entrance or a front yard ditch filling, in accordance with the specifications established in this By-Law, shall be completed within six (6) months from the date of issuance of the installation permit. The Director may, upon application, renew or extend any permit issued under this By-Law, at no charge to the applicant, if it is deemed appropriate by the Director, in his sole discretion.
35. The County reserves the right to refuse approval of any application or remove an existing entrance should it be determined that any one of the objectives or requirements of the By-Law is or will be compromised as determined at the sole discretion of the Director.

#### Appeal of refusal of entrance

36. Entrance applications that do not conform to this by-law shall be denied and the applicant shall be so informed in writing within five days of the Director's decision. The applicant's security deposit shall also be returned at this time. A person who wishes to appeal a decision of the Director made pursuant to this by-law may appeal the Director's decision in accordance with the following:
  - a. An application for an appeal shall be made to the Director and shall be accompanied by an administrative fee of \$500.00 for each denied application under the provisions of this by-law; said fee is non-refundable.
  - b. County Council (or a Committee to whom this function has been delegated) shall, within a reasonable time after receiving an application for an appeal, hold a hearing at a place and time determined by County Council in order to allow the applicant an opportunity to make representations. A written summary of the applicant's presentation to the Committee or Council must be submitted to the Director no less than ten business days before the

date of the hearing. The applicant's summary shall be distributed to County Council (or the applicable committee). The applicant's verbal presentation to County Council (or the applicable committee) shall be no longer than ten minutes.

- c. Should the applicant's appeal be granted, the original application fee (\$200.00) shall be waived or returned, however, the applicant will have to re-submit the security deposit as specified in Schedule "A" of this by-law.

#### Remedial Action

37. Every person who fails to comply with the requirements set out in this By-law, shall by the date specified within any notice by the County, take all necessary steps to comply.
38. In the event that a person fails to comply with the notice provided by the County, the County may do the work at the expense of the owner by adding the costs incurred by the County to the tax roll for that property and collecting them in the same manner as taxes.

#### Offence and Penalty Provisions

39. Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.
40. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
41. Each day of default by the owner in complying with any of the provisions of this by-law shall constitute a separate offence.
42. This By-Law is subject to and in furtherance of *The Drainage Act*, R.S.O., 1990, Chapter D.17 as amended.

#### Validity

43. If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
44. By-Laws Number 2155 and 97-13, 2013-25 and 2015-37 are hereby repealed.

**DONE AND PASSED** in open Council this 26th day of August 2015.

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**Robert Kirby, Warden**

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**Andrée Latreille, Clerk**

**CORPORATION OF THE UNITED COUNTIES OF PRESCOTT & RUSSELL**

**BY-LAW NUMBER 2015-46**

**SCHEDULE "A"**

**Application non-refundable fee**

<b>TYPE OF WORK PERFORMED</b>	<b>ADMINISTRATIVE FEE</b>
<ul style="list-style-type: none"><li>• Relocate Entrance</li><li>• New Entrance</li><li>• any extension to Entrance</li></ul>	\$ 200
<ul style="list-style-type: none"><li>• Remove Entrance</li><li>• Replace Entrance at same location</li></ul>	\$ 0
<ul style="list-style-type: none"><li>• front yard ditch filling or any extension,</li></ul>	\$ 200

**Security Deposit Fees**

<b>TYPE OF WORK PERFORMED</b>	<b>SECURITY DEPOSIT FEE</b>
<ul style="list-style-type: none"><li>• Any relocated, replaced, or new Entrance or any extension;</li></ul>	\$ 1,500
<ul style="list-style-type: none"><li>• front yard ditch filling or any extension,</li></ul>	\$ 200 per linear meter of ditch filling with a minimum of \$1,000

**CORPORATION OF THE UNITED COUNTIES OF PRESCOTT & RUSSELL**

**BY-LAW NUMBER 2015-46**

**SCHEDULE “B”**

**Minimum Requirements for location of entrances**

<b>Classification of entrance</b>	<b>Requirements</b>
<p><b>Rural Residential or Agricultural/ Farm / Field / or for harvesting crop</b></p>	<ul style="list-style-type: none"> <li>a) If a non-County public road allowance is not available to provide an entrance;</li> <li>b) If on a major collector or Arterial road as defined in the Counties Official Plan, not within 200 metres of any entrance on the same side of the road or/and from any intersection or/and from a public entrance;</li> <li>c) If on a minor collector as defined in the Counties Official Plan, not within 100 metres of any entrance on the same side of the road or/and from any intersection or/and from a public entrance;</li> <li>d) Not within 50 metres of upon or across a day lighting triangle, acceleration, deceleration or passing lane;</li> <li>e) Not within 50 meters of a structure such as bridges that may obstruct the vision of traffic using an adjacent entrance and traffic on the County Road approaching the entrance.</li> <li>f) The sight distance equals or exceeds the distances as contained in the Minimum Sight Distance Table (1) which is contained in the schedule appended hereto as Schedule “C”.</li> <li>g) A Farm Entrance or Field Entrance shall only be permitted for a property where the agricultural activity takes place over an area of five or more hectares or in such other circumstances deemed appropriate by the Director.</li> </ul>
<p><b>Rural Commercial</b></p>	<ul style="list-style-type: none"> <li>a) If a non-County public road allowance is not available to provide an entrance;</li> <li>b) If on a major collector or Arterial road as defined in the Counties Official Plan, not within 200 metres of any entrance on the same side of the road or/and from any intersection or/and from a public entrance;</li> <li>c) If on a minor collector as defined in the Counties Official Plan, not within 100 metres of any entrance on the same side of the road or/and from any intersection or/and from a public entrance;</li> <li>d) Not within 50 metres of upon or across a day lighting triangle, acceleration, deceleration or passing lane;</li> <li>e) Not within 50 meters of a structure such as bridges that may obstruct the vision of traffic using an adjacent entrance and traffic on the County Road approaching the entrance</li> <li>f) If the sight distance equals or exceeds the distances as contained in the Minimum Sight Distance Table (1) which is contained in the schedule appended hereto as Schedule “C”;</li> <li>g) If the sight distance equals or exceeds the distances as contained in the Minimum Sight Distance Table (2) which is contained in the schedule appended hereto as Schedule “C”;</li> </ul>



	<ul style="list-style-type: none"> <li>h) If the horizontal curvature of the County Road is greater than 500 metres;</li> <li>i) The County Road Grade is 3% or less.</li> </ul>
<p><b>Urban Residential, and Urban Agricultural/Farm/Field, and Urban Commercial</b></p>	<ul style="list-style-type: none"> <li>a) On urban road sections, in towns, villages, hamlets and settlement areas, one entrance per lot shall be permitted. The location of the entrance shall conform to the local municipality's entrance policy. In the absence of such a policy or by-law, the distance between adjacent Residential Entrances shall be no less than the distance between existing entrances on the urban road section.</li> <li>b) In built-up areas that are not designated as towns, villages, hamlets or settlement areas, Residential Entrances will be permitted only where the need for the entrance is as a result of "in-filling" and the mandatory road safety criteria are met. In any case only one entrance per lot shall be permitted.</li> <li>c) Non-agricultural entrances which extend the limits of existing urban or built-up areas shall not be permitted.</li> </ul>

Note: The most restrictive criteria will dictate if an entrance can be permitted and if so the location of the entrance

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**SCHEDULE "C"**

**Minimum Sight Distance**

**MINIMUM SIGHT DISTANCE TABLE (1) - RESIDENTIAL**

<b>Speed Limit km/h</b>	<b>Sight Distance</b>	
	<b>Flat – less than 3% (metres)</b>	<b>On a grade – 3 % or greater (metres)</b>
40	45	45
50	65	65
60	85	90
70	110	120
80	140	155
90	170	190
100	200	220

**MINIMUM SIGHT DISTANCE TABLE (2) – COMMERCIAL/AGRICULTURAL**

<b>Speed Limit (km/h)</b>	<b>Sight Distance (metres)</b>
50	120
60	140
70	160
80	180
90	200
100	230

**BY-LAW NUMBER 2015-46  
SCHEDULE "D"**

**Minimum size and type of pipe**

The diameter, gauge, length and type of culvert to be used to convey surface water drainage either through an entrance or a front yard ditch filling shall be determined by the County with the minimum size of culverts to no less than 450 mm in diameter and 9 meters in length. A larger size culvert may be required depending on the contributing drainage area, as determined by the Director. Side slopes shall be no steeper than ratio of 2 (horizontal) to 1 (vertical).

Only new standard corrugated steel pipe with a minimum wall thickness of 1.6 mm for pipes size up to 1,200 mm or high-density polyethylene (HDPE) materials 320 kpa for entrances and 210 kpa for front yard ditch filling; approved by the Director shall be used. The wall thickness for corrugated steel pipes with a larger diameter than 1,200 mm shall be evaluated on a case by case basis.

Culverts shall be installed at the proper grade so as to provide free and unimpeded flow of water through the culverts.

The culvert shall be centred on the entrance and in the ditch line unless otherwise approved by the Director. The invert of the culvert must be set plus or minus 150 mm below the existing ditch grade.

A front yard fill application could be denied if it implies a connection to a cross-culvert inlet or outlet that would cause restrictions in the maintenance or replacement of that cross-culvert.

Residential entrance surface width shall be no wider than 5 metres. Commercial, Agricultural, Farm and Field entrances surface shall be no wider than 9 metres. Field entrance for crop harvesting shall be no wider than 27 metres.

The use of water tanks, barrels, concrete blocks, concrete pipe, used corrugated steel pipe or used plastic pipe shall not be permitted.

Applicants shall acknowledge that they may be required to submit a site grading plan depicting the existing topography and the proposed site grades, spot elevations, swales, cross-sections etc., at the discretion of the Director.

Applicants shall acknowledge that they may be required to install catch basins, clean-outs, inlet and other structures as may be necessary to facilitate drainage from or alongside the road, at their cost. Only new manufactured components (grills, tees, catch-basins, manholes, couplers, etc.) of the exact same type and size as the pipes shall be used for the construction of the front yard fill and entrance.

**Minimum culvert length**

<b>Ditch depth (measured from top of entrance)</b>	<b>Culvert Length Residential</b>	<b>Culvert Length Commercial &amp; Agricultural</b>	<b>Culvert Length Crop Harvesting</b>
Less than 1.0 meter	9 metres	12 metres	31 metres
1.0 meter to 1.5 metres	11 metres	14 metres	33 metres
1.5 metres to 2.0 meters	13 metres	16 metres	35 metres
2.0 metres to 2.8 metres	16 metres	20 metres	38 metres
More than 2.8 metres	20 metres	25 metres	45 metres

## BY-LAW NUMBER 2015-46

### SCHEDULE "E"

#### Minimum Insurance Requirements

The land owner, at the application process and prior to the commencement of work, obtain and maintain until the termination of the contract or otherwise stated, provide the United Counties of Prescott Russell with evidence of:

##### **Commercial General Liability Insurance**

Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$2,000,000. per occurrence / \$2,000,000. annual aggregate for any negligent acts or omissions by the land owner relating to their obligations under this Agreement. Such insurance shall include, but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; broad form completed operations; owners & contractors protective; occurrence property damage; products; employees as Additional Insured(s); contingent employers liability; tenants legal liability; cross liability and severability of interest clause

This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Counties. The land owner shall indemnify and hold United Counties of Prescott Russell harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions whether willful or otherwise by the land owner, their employees or other persons for whom the land owner is legally responsible.

##### **Automobile Liability Insurance**

Automobile liability insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the services covering liability for bodily injury, death and damage to property with a limit of not less than \$1,000,000. inclusive for each and every loss.

##### **Environmental Impairment Liability (if applicable)**

The Contractor shall effect and maintain Environmental Impairment Liability with a limit of not less than \$1,000,000. Per Incident /Annual Aggregate. Coverage shall include Third Party Bodily Injury and Property Damage including on-site and off-site clean-up. If such insurance is issued on a claims made basis, such insurance shall be maintained for a period of two years subsequent to conclusion of services provided under this Agreement.

**Should the land owner hire a contractor to carry out the work on their behalf, the contractor shall provide the United Counties of Prescott-Russell with evidence of the following Insurance:**

##### **Commercial General Liability Insurance**

Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$5,000,000. per occurrence / \$5,000,000. annual aggregate for any negligent acts or omissions by the contractor while carrying out the work associated with the road permit. Such insurance shall include, but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; broad form completed operations; owners & contractors protective; occurrence property damage; products; employees as Additional Insured(s); contingent employers liability; tenants legal liability; cross liability and severability of interest clause

Such insurance shall add the United Counties of Prescott Russell and the land owner as Additional Insured with respect to the operations of the contractor. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Counties and/or land owner. The contractor shall indemnify and hold United Counties of Prescott Russell and the land owner harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions whether willful or otherwise by the contractor, their officers, employees or other persons for whom they are legally responsible.

##### **Automobile Liability Insurance**

Automobile liability insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the services covering liability for bodily injury, death and damage to property with a limit of not less than \$5,000,000. inclusive for each and every loss.

##### **Environmental Impairment Liability (if applicable)**

The Contractor shall effect and maintain Environmental Impairment Liability with a limit of not less than \$1,000,000. Per Incident /Annual Aggregate. Coverage shall include Third Party Bodily Injury and Property Damage including on-site and off-site clean-up. If such insurance is issued on a claims made basis, such insurance shall be maintained for a period of two years subsequent to conclusion of services provided under this Agreement.

Such insurance shall add the United Counties of Prescott Russell and the land owner as Additional Insured with respect to the operations of the contractor. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Counties and/or land owner. The contractor shall indemnify and hold United Counties of Prescott Russell and the land owner harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions whether willful or otherwise by the contractor, their officers, employees or other persons for whom they are legally responsible.

The above noted policies shall not be cancelled, altered or lapsed unless the Insurer notifies the Counties in writing at least thirty (30) days prior to the effective date of the change or cancellation.

Prior to commencement of work, the land owner and / or contractor shall furnish to the Counties with a certificate of insurance or copies of the policies confirming the aforementioned insurance. The insurance policy will be in a form and with a company which are, in all respects, acceptable to the Counties.