



Report to Council

Department: Infrastructure Services
Division: Environmental Services
Date: December 2, 2024
Prepared by: Rob Mackie, C. Tech, Manager, Environmental Services
Report Number: Environmental Services-2024-09
Subject: Private Water Lines in the Public Right of Way
Number of Pages: 4

Recommendation(s)

That Environmental Services 2024- 09, “Right of Way Private Water Lines” prepared by Rob Mackie, Manager, Environmental Services dated February 3rd, 2024 be received

Purpose

At is Regular Meeting of Council on July 4th, 2022, Council Resolved the following:

R-22-07-336

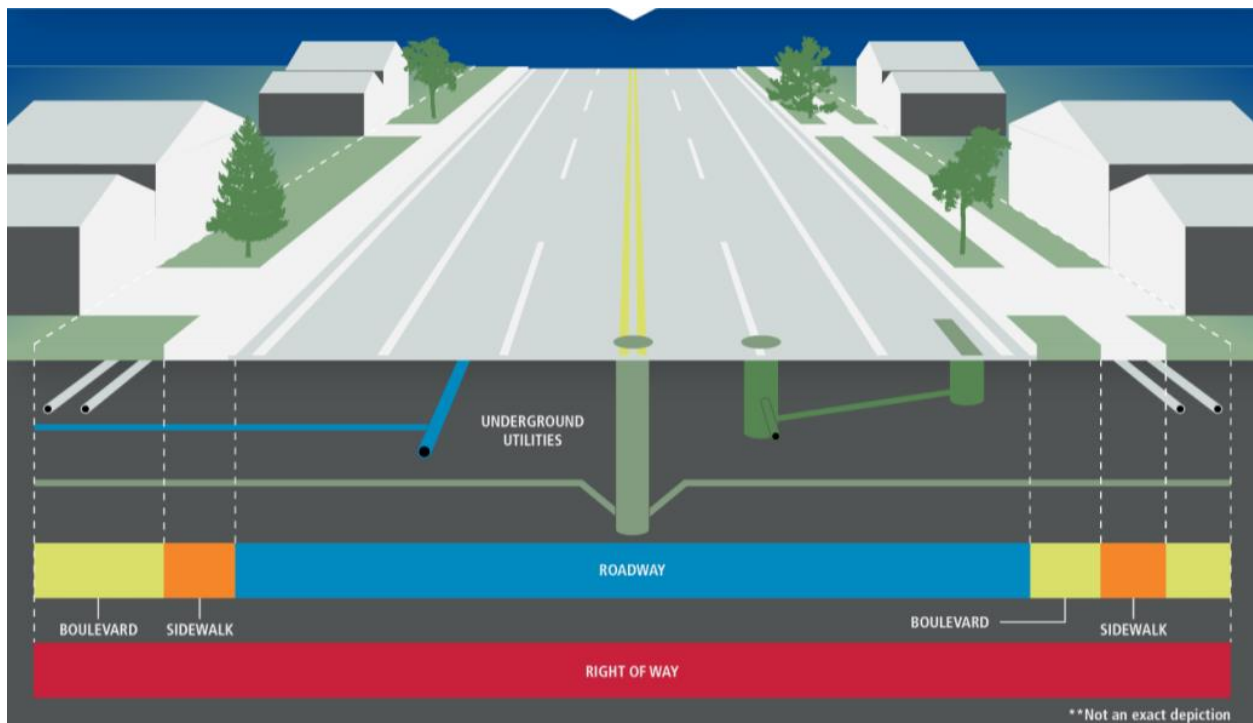
That when time permits, that Administration explore ways of streamlining the use of private water supplies on the public right of way.

Moved by Councillor Vander Doelen
Seconded by Deputy Mayor Bjorkman

Background and Discussion

The public-right-of way, also known as municipal road allowance, refers to Town-owned land. Typically, the public right-of-way includes the roadways, sidewalks and sections of boulevard land used for town owned and public utility services, as shown in **Figure 1**.

Figure 1



The utilities found in the public-right-of-way can include the following: Water, Wastewater and Storm sewers, Electrical, Gas and Telecommunications infrastructure.

These utilities are buried at various depths and locations within the right-of-way. Public utility companies have legislative rights to install and maintain their infrastructure within The **Town's right-of-way**.

Utility work within the Right-of-way is **coordinated with Town of Essex staff through a "Utility Construction Municipal Consent (MC) Permit"**. This assures the utility location, and new installations do not conflict with existing Town owned infrastructure.

In addition to the required permits, utility companies and their contractors working in the Town owned right-of-way carry the necessary level of insurance coverage and are subject to all other applicable Federal, Provincial and municipal laws/by-laws.

Privately Owned Infrastructure in The Right-Of-Way

Privately owned infrastructure typically only benefits a private homeowner or a privately owned company.

The Town owned Right-of-way should be solely reserved for Town owned infrastructure and Public Utilities that directly serve and benefit our residents as a whole.

The Town of Essex does understand that there are applications where private property owners could benefit from having privately owned infrastructure installed within the Town owned Right-of-Way, typically in a road crossing perpendicularly. Privately owned infrastructure shall not be installed parallel to the Right-of-Way, in these cases private property owners would need to utilize adjacent private lands through a private property easement.

Any private property owner that wishes to have private infrastructure cross a town owned right-of-way would be subject to Legal agreement that clearly identifies the roles and responsibilities of the private owner.

This does not guarantee a private property owner the right to access the Town owned Right-of-Way for private infrastructure. Each inquiry will be reviewed and approved/denied on a case-by-case basis.

Financial Impact

There is no financial impact as a result of this report.

Consultations

Kevin Girard, Director, Infrastructure Services

Link to Strategic Priorities

- ☒ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ **Leverage our Town's competitive advantages to promote jobs and economic investment.**
- ☐ Take care of our natural environment and strengthen the sense of belonging to everyone who **makes Essex "home"**.
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Right of Way Private Water Lines - Environmental Services-2024-09.docx
Attachments:	
Final Approval Date:	Jan 20, 2025

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'K. Girard', with a large loop at the end.

Kevin Girard, Director, Infrastructure Services - Jan 20, 2025 - 9:57 AM

A handwritten signature in black ink, appearing to read 'Doug Sweet', with a long horizontal stroke at the end.

Doug Sweet, Chief Administrative Officer - Jan 20, 2025 - 10:02 AM