



**City of  
Lloydminster**

***Policy***

<b>Policy Title:</b>	Excavation Permit Policy	<b>Policy Number:</b>	610-05
<b>Date of Adoption:</b>	March 27, 2023	<b>Motion Number:</b>	120-2023
<b>Date of Amendment:</b>		<b>Motion Number:</b>	
<b>Sponsoring Department:</b>	Planning and Development		

**1. Purpose:**

- 1.1. To outline requirements and guidelines for the reparation of damages to City infrastructure and property as a result of work carried out on City Controlled Lands.

**2. Definitions:**

<b>Administration</b>	An employee or contract employee of the City of Lloydminster.
<b>Applicant</b>	The Person who has applied for the Excavation Permit, and the Person carrying out the Ground Disturbance within City Controlled Lands.
<b>City</b>	The corporation of the City of Lloydminster.
<b>Controlled Lands</b>	Lands that the City has an interest in, either by ownership or by an easement or right-of-way registered in favour of the City.
<b>Excavation Permit</b>	Official documentation provided by the City to authorize the work.
<b>Ground Disturbance</b>	Any work, operation or activity, on or under the existing ground surface, resulting in, or reasonably expected to result in, a disturbance or displacement of the surface of the ground, including but not limited to; digging, excavation, trenching, ditching, tunnelling, boring/drilling/pushing, auguring, topsoil stripping, land levelling/grading, plowing to install underground infrastructure, tree planting, clearing and stump removal, driving fence posts, bars, rods, pins, anchors, signs or pilings, or crossing the land with equipment or vehicles except on a roadway designated for vehicular traffic.
<b>Member of Council</b>	An individual elected pursuant to <i>The Local Government Election Act</i> (Saskatchewan) as a Member of Council.
<b>Restoration Acceptance</b>	A written notice, in a format as developed by the City, attesting that the Person carrying out the Ground Disturbance has completed the required surface restoration(s) to the satisfaction of the City.

<b>Person</b>	Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization.
<b>Seasonal Restoration Acceptance</b>	A written notice, in a format developed by the City, attesting that the Person carrying out the Ground Disturbance has completed the required temporary surface restoration(s) to the satisfaction of the City, and those permanent restorations must be completed when conditions permit.
<b>Security</b>	A cash deposit or irrevocable letter of credit to secure the fulfillment of an obligation, such as meeting the City's predefined terms of the conditions of a permit. Non-compliance will result in the retention of the financial security.

**3. Scope:**

- 3.1. This policy will apply to all Members of Council, Administration and all Persons carrying out a Ground Disturbance within City Controlled Lands.

**4. Policy Instructions:**

- 4.1. This policy was developed to protect public and private interests regarding:
  - 4.1.1. minimizing unnecessary damage to City Controlled Lands during construction, including but not limited to streets, lanes, sidewalks, curbs, and landscaped areas;
  - 4.1.2. ensuring timely completion of surface restoration work of Ground Disturbances in accordance with City requirements; and
  - 4.1.3. ensuring compliance with Excavation Permit conditions.
- 4.2. As part of the application for an Excavation Permit, the Applicant shall submit Security for the Excavation Permit in the amount specified in the Development Fee Bylaw, as amended from time to time.
  - 4.2.1. The City may, in its sole discretion, accept alternative means of Security from the Applicant, in accordance with the Excavation Bylaw.
- 4.3. The Applicant is responsible to review the location(s) of the work being authorized by the Excavation Permit and report any existing damages to the City prior to work commencing.
  - 4.3.1. If damages are reported, an inspection by the City will be undertaken and any existing damage found will be documented.

- 4.4. If the work proceeds prior to an inspection, or if no damages are reported, the City will deem that no damage was present prior to the time the work was initiated.
- 4.5. The Applicant shall be responsible for the restoration of all damages found following the completion of the work, excluding any damages documented by the City pursuant to Section 4.3.1 above.
- 4.6. Upon notification being received by the City, from the Applicant, that the final surface restoration work of the Ground Disturbance(s) is complete, the City will inspect the surface restoration work and document any deficiencies in the surface restoration work.
  - 4.6.1. This inspection shall be scheduled within five (5) business days from the date of notification.
  - 4.6.2. Following the inspection, the City shall provide the Applicant written notice of:
    - i. Restoration Acceptance of the surface restoration work if no deficiencies are identified; or
    - ii. Documentation outlining the noted deficiencies that must be remediated prior to the acceptance of the surface restoration work by the City. Upon rectifying the deficiencies to the satisfaction of the City, the City will issue a Restoration Acceptance if no further deficiencies are noted.
- 4.7. In the event that the surface restoration work is completed at a time where seasonal conditions prevent the required permanent surface restorations from being carried out, the City may provide a Seasonal Restoration Acceptance.
  - 4.7.1. Once the seasonal surface restoration work of the Ground Disturbance(s) is complete, the Applicant shall provide photographs documenting the seasonal restoration work to the City. Following review of the submitted documentation, the City shall provide the Applicant written notice of:
    - i. Seasonal Restoration Acceptance of the surface restoration work if no deficiencies are identified; or
    - ii. Documentation outlining the noted deficiencies that must be remediated prior to the acceptance of the surface restoration work by the City. Upon rectifying the deficiencies to the satisfaction of the City, the City will issue a Seasonal Restoration Acceptance if no further deficiencies are noted.
- 4.8. Should surface restoration work of the Ground Disturbance(s) not be completed in accordance with the Excavation Permit conditions, the work

required to carry out supplemental surface restoration work will be assessed by the City.

- 4.9. All costs associated with the surface restoration work or remediation carried out on behalf of or arranged by the City will be deducted from the Security as identified in Section 4.2.

- 4.9.1. If the balance of the Security does not sufficiently cover the expenses incurred by the City, the Applicant shall pay any shortfall to the City as specified in the Excavation Bylaw, as amended from time to time.

- 4.10. Only upon meeting all conditions of the Excavation Permit, shall the Applicant request, in writing to the City, a release of the Security. The acceptance of the final surface restoration work will initiate the warranty period as identified within the conditions of the Excavation Permit.

## **5. Penalty:**

- 5.1. Any member of Administration found to be in violation of this Policy may be subjected to a disciplinary action. Such action may be dependent upon the nature of the breach of this Policy; discipline may range from a verbal warning to dismissal with cause.
- 5.2. Any Member of Council found to be in violation of this Policy may be dealt with utilizing the "*Code of Conduct Bylaw*" or provisions of "*The Lloydminster Charter*."

## **6. Responsibility:**

- 6.1. City Council shall review and approve all policies.
- 6.2. Administration shall administer this Policy through the use of a supporting procedure.
- 6.3. Sponsoring Department shall be responsible for creating and amending a supporting procedure.