



**City of  
Lloydminster**

***Policy***

<b>Policy Title:</b>	License of Occupation Policy	<b>Policy Number:</b>	120-08
<b>Date of Adoption:</b>	August 22, 2022	<b>Motion Number:</b>	315-2022
<b>Date of Amendment:</b>	October 23, 2023	<b>Motion Number:</b>	371-2023

**1. Purpose:**

- 1.1. To establish standards that will define Encroachments that the City may allow within the Road Right of Way.
- 1.2. To develop a framework to ensure a fair and consistent use of Road Right of Ways within the City, while aiming to reduce liability, and eliminating adverse impacts of use.

**2. Definitions:**

<b>Administration</b>	An employee or contract employee of the City of Lloydminster.
<b>A-Board Sign</b>	A sign that is "A" shaped and is set upon the ground. An A-Board sign has no external supporting structure.
<b>DARP Design Guidelines</b>	Building design guidelines as set out by the Downtown Area Redevelopment Plan, as amended from time to time.
<b>City</b>	The City of Lloydminster and the area contained within the corporate boundaries of the City.
<b>Encroachment</b>	Anything placed, constructed, or erected on or above the ground that extends into or is placed within the Road Right of Way
<b>License of Occupation</b>	An agreement to the temporary use of a specified portion of Road Right of Way for a specified time and for a consideration where the Licensee is given use of the area and assumes responsibilities for activities carried out within the specified Road Right of Way.
<b>Licensee</b>	Any business, organization, or individual that has been granted legal permission by the City for the temporary use of Road Right of Way through a License of Occupation.
<b>Member of Council</b>	An individual elected pursuant to <i>The Local Government Election Act</i> (Saskatchewan) as a Member of Council.
<b>Road Right of Way</b>	That portion of the roadway between property lines that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, or for

	pedestrian use, and can include a sidewalk, boulevard, berm, ditch, swale, and landscaping.
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### **3. Scope:**

- 3.1. This Policy applies to all Members of Council, Administration, and members of the public.
- 3.2. This Policy applies only to License of Occupation on land that the City holds an interest in. This policy will not affect Encroachments between private landowners.

### **4. License of Occupation:**

- 4.1. If an undeveloped Road Right of Way is not required for the purpose of a road or other municipal purposes, it may be licensed to a third party for use. A License of Occupation is required to use the City's Road Right of Way for purposes other than municipal use. The City retains the authority to approve or not approve any request for License of Occupation.
- 4.2. A License of Occupation may be approved for the following uses:
  - 4.2.1. artwork (only where permitted by the Public Art Advisory Committee);
  - 4.2.2. signs or banners for business identification or advertisement;
  - 4.2.3. benches with or without advertising materials; and
  - 4.2.4. temporary A-board sign(s) in direct relation to a local community event.
- 4.3. A License of Occupation shall not be approved for the following uses:
  - 4.3.1. parking lots;
  - 4.3.2. permanent structures, including, but not limited to; signs, walls or fences; and
  - 4.3.3. storage of hazardous materials.
- 4.4. A License of Occupation may be approved for developments that meet the requirements of the DARP Design Guidelines.

### **5. Approval Requirements:**

- 5.1. The following shall be considered when reviewing a License of Occupation application:
  - 5.1.1. setbacks from the back of curb, edge of sidewalk or walking trail, edge of access or driveway apron, municipal infrastructure or servicing, traffic control devices, and other License of Occupation locations;
  - 5.1.2. duration of the License of Occupation;

- 5.1.3. motorist and pedestrian traffic sightlines and stopping sight distances;
  - 5.1.4. size of the License of Occupation use as defined in 4.2;
  - 5.1.5. Internal referral with City departments such as Engineering, Planning, Roads and Parks;
  - 5.1.6. temporary signs in direct relation to a construction project, in particular, traffic control devices, shall be permitted to be placed in contravention of 5.1.1 if required to in order to adhere to applicable codes and regulations governing traffic control devices.
- 5.2. All approved License of Occupations shall:
- 5.2.1. maintain insurance for the duration of the License of Occupation and indemnify the City;
  - 5.2.2. meet the requirements of the Land Use Bylaw, where applicable; and
  - 5.2.3. meet the requirements of the Municipal Development Standards, where applicable.
- 5.3. The City reserves the right to refuse the issuance of a License of Occupation, or if a License of Occupation is issued, the right to terminate the License of Occupation.
- 5.4. Applications for a License of Occupation shall be accompanied by a fee of two hundred dollars (\$200) prior to consideration of the application for use of the Road Right of Way.
- 5.4.1. For multi-year License of Occupation Agreements, this fee shall be an annual fee.
  - 5.4.2. In the event of multiple items placed within a Road Right of Way, under one License of Occupation Agreement, the fee shall be applied to each individual item placed.
  - 5.4.3. Non-profit organizations are exempt from paying the application fee for A-board signs. However, a License of Occupation agreement to a maximum term of two (2) years, is still required.
  - 5.4.4. Artwork is exempt from paying the application fee. However, a License of Occupation agreement is still required.
  - 5.4.5. Façade improvements following the DARP Design Guidelines, which encroach the Road Right of Way, are exempt from paying the yearly fee, however the \$200 application fee is still applicable. A License of Occupation agreement is still required.

## **6. Penalty:**

- 6.1. 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.

6.2. 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*."

**7. Responsibility:**

7.1. City Council shall review and approve all policies.

7.2. Administration shall administer this Policy through the use of a supporting procedure.

7.3. Sponsoring Department shall be responsible for creating and amending a supporting procedure.