



**City of
Lloydminster**

Policy

Policy Title:	Development Security Policy	Policy Number:	610-04
Date of Adoption:	April 3, 2023	Motion Number:	150-2023
Date of Amendment:		Motion Number:	
Sponsoring Department:	Planning and Development		

1. Purpose:

- 1.1. To define the requirement to provide security against the repair of damages to the City’s infrastructure and property (including but not limited to streets, lanes, sidewalks, curbs, curb stops, fences, and trees) as a result of work carried out in the course of development.

2. Definitions:

Administration	An employee or Contract employee of the City of Lloydminster.
Caveat	A warning, registered on the title of the land, that a Person is claiming an interest on a parcel of land.
City	The corporation of the City of Lloydminster.
Final Grading	The shaping or contouring of lands after placement of topsoil and prior to the establishment of seed or sod.
Member of Council	An individual elected pursuant to <i>The Local Government Election Act</i> (Saskatchewan) as a Member of Council.
Occupancy Permit	A permit issued by the City’s building inspector, certifying a building is suitable for human occupation.
Owner	Any Person who is registered under the Saskatchewan or Alberta <i>Land Titles Act</i> as the Owner of the lot, or any agent of, or Person acting on behalf of, the Owner.
Person	Any individual, partnership, firm, corporation, municipality, association, society, political or other group, and the heirs, executors, administrators or other legal representatives of a Person to whom the context can apply according to law.

Site Condition Form	A document used to provide a record of damages to City infrastructure prior to and following completion of construction pursuant to a Development Permit.
Stop Order	A written notice, as defined in the Land Use Bylaw, which may be issued to the Owner or the person responsible for the contravention, ordering the contravention within the Stop Order to be remedied, and providing a time within which to do so.

3. Scope:

- 3.1. This policy will apply to all residential development within the City containing two (2) or less dwelling units.

4. Policy Instructions:

- 4.1. In accordance with the terms of a Development Permit, the Owner shall:
 - 4.1.1. Review the City infrastructure adjacent to the lands being developed, which has the potential to be damaged or affected by the development, for damages prior to construction and report such damage (including photographs) to the City’s Planning Department.
- 4.2. If construction proceeds prior to reporting existing damage to the City, the City will assume, and it shall be deemed, that no damage was present at the time construction started. The Owner shall be responsible for all damages found at the time of inspection in accordance with Section 4.3 of this Policy.
- 4.3. On notification that the Owner has applied for an Occupancy Permit for the lands, or that Final Grading of the lands is complete, the City and the Owner will inspect the City infrastructure adjacent to the lands being developed, record any damages, and complete and sign the Site Condition Form.
 - 4.3.1. The Owner may elect to not attend the inspection provided however that in the event the Owner elects not to attend the inspection the City shall be entitled to complete and sign the Site Condition Form in the absence of the Owner.
- 4.4. Should damages be found that were not previously reported by the Owner in accordance with Section 4.1 of this Policy, all damages will be assessed by Administration to formulate an estimated cost of the City carrying out the repairs.

- 4.5. The City shall issue a notice to the Owner, notifying the Owner of the responsibility to repair any damages identified on the Site Condition Form within a timeline outlined by the City. Should the Owner fail to carry out the repairs to the satisfaction of the City within the time given, the City may issue a Stop Order which may be registered against the title of the land as a Caveat.
 - 4.5.1. The amount owing to the City stated in the Caveat is the estimated cost of repairing the damage, including the administrative overhead required to procure the work, pursuant to Section 4.4. of this Policy.
 - 4.5.2. If the Stop Order is subsequently complied with (i.e., the damage is repaired), the Caveat will be discharged at the Owner's expense.
- 4.6. If a Stop Order is not complied with by the deadline stated in the Stop Order, the City will complete or arrange the completion of the repair work and issue an invoice to the Owner, whether or not the issuance of the Stop Order was as a result of an inspection following an application for an Occupancy Permit, or the completion of Final Grading, and whether or not the Owner was present at such inspection. This amount shall consist of the actual cost to the City for the repair, including the administrative overhead required to procure or carry out the work.
 - 4.6.1. The Owner may request an extension to the deadline to complete the work pursuant to the Stop Order, citing the extenuating circumstances surrounding the request. At the City's sole discretion, such a request may be granted.
- 4.7. If an invoice issued pursuant to Section 4.6 of this Policy is not paid within thirty (30) days, the amount shall be charged against the tax roll for the property pursuant to the Land Use Bylaw.
 - 4.7.1. If the invoice is paid, or the amount has been charged against the tax roll, the Caveat shall be discharged at the Owner's expense.
- 4.8. Nothing in this Policy shall be interpreted as limiting or contrary to the City's authority or ability to repair damages to City property or infrastructure and seek to recover the cost of such repairs from the person responsible for such damage in civil proceedings, or by any other method available to the City at law.

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.