

CONSOLIDATED COPY

January 1, 2023

**CITY OF MEADOW LAKE
EXCAVATION & BACKFILLING
BYLAW NO. 12/2013**

with amendments up to and including Bylaw No. 7/2016 passed April 11, 2016, and Bylaw No. 20/2022 passed December 12, 2022.

by City Council.

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NOTE:

All persons making use of this consolidation are reminded that this document has no legal status, that the amendments have been embodied for convenience of reference, and that the original bylaws should be consulted for all purposes of interpretation and application of the law. **Red highlighted entries indicate the amendments to the bylaw.**

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**CITY OF MEADOW LAKE
BYLAW NO. 12/2013
EXCAVATION & BACKFILLING BYLAW**

A BYLAW OF THE CITY OF MEADOW LAKE, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR EXCAVATING AND BACKFILLING ON CITY PROPERTIES.

The Council of the City of Meadow Lake in the Province of Saskatchewan enacts as follows:

1. DEFINITIONS

For the interpretation of the bylaw, the following words mean:

- (a) City – the City of Meadow Lake
- (b) Council – the Council of the City of Meadow Lake
- (c) City Manager – means the City Manager of the City of Meadow Lake or an employee of the City designated by the Council to act on behalf of the City of Meadow Lake.
- (d) Public Works Manager – the Public Works Manager of the City's Department of Public Works or authorized representative.
- (e) Person – any physical person, corporation, society or organization.
- (f) Permit Holder – any person, corporation, society or organization who has obtained from the City a permit to make a trench or any other excavation in a street, lane sidewalk or public place of the City.
- (g) Excavation – any excavation made mechanically or by hand and any operation of any nature whatsoever which will puncture, cut or damage the surface of the street, lane , sidewalk or public place.
- (h) Street – all public streets, roads, lanes, sidewalks, thoroughfares, and all curbs, gutters and culverts and in connection therewith and without restricting the generality of the foregoing includes the full right of way width.
- (i) Sidewalk – portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway;
- (j) Roadway – portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel.
- (k) Boulevard – any earth space on a road allowance that is not developed as a street, sidewalk or parking place.
- (l) Utility – includes any person or corporation that provides water, wastewater services, storm water services, electric power, telecommunications service, natural gas or other gas intended for use as fuel to the public.
- (m) Provincial regulations – the requirements and provisions of the Province of Saskatchewan contained in any Provincial statute or in any regulation or order made pursuant to the authority of any statute of Saskatchewan.

2. APPLICATION

- (a) Any person, company, society or corporation authorized to open a cut, trench or excavation in a street, lane sidewalk or public place in the City must strictly comply with the provisions of this bylaw, whether it be for the installation of new services or for repair, maintenance or modification of existing services or works.
- (b) The City Manager is designated by Council to administer the bylaw.

3. PERMITS

- (a) Before beginning any excavation in a street or sidewalk an application and fee of **\$130.00** dollars for an excavation permit must be submitted to the City of Meadow Lake office.
- (b) A permit is issued only when conditions of section 7 of this bylaw have been fulfilled by the applicant.
- (c) A permit authorizes only one excavation at a location described on the permit. Any alteration or additions must be covered by a separate permit.
- (d) In the case of an emergency, work may start after obtaining verbal permission from the City Manager, however, an application for a permit must be completed on the first office day following.
- (e) Any excavation permit issued under this bylaw becomes null and void at the end of thirty (30) days following the date of issuance.

4. RIGHTS OF THE CITY

- (a) Permits are issued with provision that the rights of the City are protected insofar as City services are concerned.
- (b) The applicant shall make installations on City property at his/her own risk and does acknowledge the priority right of the City as to the occupation of the property.
- (c) The applicant shall ensure the City is fully protected against any and all damages which may be caused by the applicant's installation to the City or to others.
- (d) A permit may be cancelled at the direction of the City Manager without recourse should the permit holder fail to comply with all the terms of the permit. The City now has a clearly defined ability to refuse the permit, along with the reasons why the City may choose to not issue an Excavation Permit.

5. APPLICATION FOR PERMIT

An application for an excavation permit must be made in writing on the form **prescribed by the City** and accompanied by:

- (a) A plan and profile showing the proposed works including all pipes, manholes, conduits, wiring or structure of all kinds which shall be placed underground and all poles, towers, anchors or machinery erected on the ground or as required by the City Manager. All measurements shall be taken from property lines and the location of any underground installation shall be shown in its relation to all existing underground installations.

- (b) A declaration stating that the permit holder agrees to carry out all works in conformance with the requirements of the City and governing agencies, accept responsibility for damages which result from carrying out the work, and reimburse the City for any repairs or other costs it has to expend as a result of the installation.
- (c) **Proof that the permit holder carries liability insurance to cover any liability that may arise out of the work and carries limits of coverage of two million dollars (\$2,000,000) for public liability and property damage.**

6. SAFETY AND ACCESS

- (a) The permit holder shall take all precautionary and preventative measures to ensure the safety of the public and the protection of all property during the course of carrying out the work.
- (b) Access to private driveways, lanes, fire hydrants, valves and loading areas shall be provided at all times, except when actual construction operations prohibit provision of such access during normal working hours. Immediately prior to closure of any private driveway or loading area the residents so affected by the closure shall be notified in order that vehicles may be removed if necessary.
- (c) Where reasonably possible, no excavation in any street shall extend beyond the centre line of the street before being backfilled and the surface of the street temporarily restored. The permit holder shall maintain safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavating is made across any public street, alley or sidewalk, at least one safe crossing shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along the sidewalk line.
- (d) All trench and tunnel excavations and construction shall conform to the safety requirements for shoring, bracing, cribbing, ladders, etc., in excavations, in accordance with *The Occupational Health and Safety Regulations, 1996* and *The Workers' Compensation Act, 1979*.
- (e) All material excavated from trenches or tunnels and piled adjacent to the excavation shall be piled, and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the City Manager may require the permit holder to provide **toe** boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed. Where the confines of the area being excavated are too narrow to permit the piling of excavated materials beside the trench, such as might be the case in a narrow roadway, the City Manager shall have the authority to require that the permit holder haul the excavated material away to a storage or disposal site.

7. DEPOSITS AND COSTS

- (a) It is necessary, before starting any cut or excavation on a street or sidewalk, to **submit to** the City of Meadow Lake a sum of money deemed sufficient to re-instate the street or sidewalk to its original condition. **This amount is to be** calculated by the City upon

inspection of the site and is based on the cost of reinstating the asphalt, curb & gutter and sidewalk, **and may be cost-shared with the City based on an assessment of the current condition and expected lifespan of the assets.**

- (b) The permit holder must backfill the excavation or cut and compact the fill in a manner and to a standard satisfactory to the City and pay for any laboratory fees if such services are required.
- (c) In the event the sum deposited is insufficient to pay the cost of reinstatement the permit holder must pay to the City within thirty (30) days of receiving notice, the balance of monies required to cover the cost. **In the event the sum deposited is in excess of the permit holder's portion for the cost of reinstatement, the City shall remit the amount of the overpayment to the permit holder within thirty (30) days of the City's final payment for the reinstatement work.**
- (d) In the event that it is necessary to excavate to carry out an urgent repair to an underground installation and it is impractical to deposit the necessary monies required to reinstate the street or sidewalk, section 7 (c) will apply.
- (e) **Following the date of substantial completion, there shall be a 12 month warranty period against any outstanding deficiencies in the contractor's work.** During the one year period, the permit holder may be required to effect repairs at the direction of the City Manager. Where the work is not carried out by the permit holder within a reasonable time, the City will effect repairs and bill the permit holder for the work.
- (f) **Where the work has been requested by the City, the City Manager may waive any deposits or fees at his or her discretion, however, all other requirements of this bylaw shall still apply.**

8. EXCAVATION

- (a) Pavement cuts shall be straight, vertical and parallel or perpendicular to property lines. No uneven or ragged edges will be permitted. It shall be neatly and uniformly cut with square edges by machine at each side of all trenches. Every precaution shall be used to prevent undermining of the remaining pavement. Any undermined areas inadvertently developed shall have projecting pavement cut square and removed.
- (b) The permit holder shall protect all public and private utilities from damage resulting from the work. Among others, these utilities include: telephone, gas, cable, storm, power lines, sewer and water lines, street lighting, sidewalks and signage system. The permit holder shall take extra care not to damage adjacent structures during the construction process. All damage to the structure or utilities resulting from the permit holder's negligence operations shall be repaired at no expense to the City of Meadow Lake. The permit holder must notify the City immediately of any structure or utilities damaged during excavation and installation.
- (c) That any person or persons appointed by the City Manager for inspection purposes shall have free access to all parts of the work for the purpose of inspecting the same.
- (d) The permit holder shall be responsible for arranging all utility line locates and any costs incurred, if any, from the line locates. The

permit holder shall not interfere with any existing utility without the written consent of the City Manager or the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its Owner. No utility owned by the City shall be moved to accommodate the permit holder unless the cost of such work be borne by the permit holder. The cost of moving privately owned utilities shall be similarly borne by the permit holder unless he makes other arrangements with the Owner of the utility.

- (e) The permit holder shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over and along or across such work.
- (f) Boring or other methods to prevent cutting of new pavement may be required by the City Manager.
- (g) Trenches and excavations shall be shored, if necessary, and in all respects shall conform to the requirements of *The Occupational Health and Safety Regulations, 1996*. No more than 90 meters measured longitudinally shall be opened in any street at any one time without the approval of the City Manager.
- (h) When work performed by the permit holder interferes with the established drainage system of any street, provision shall be made by the permit holder to provide proper drainage. The permit holder shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Wherever a gutter crosses an intersection street, an adequate waterway shall be provided and at all times maintained. The permit holder shall make provisions to take care of all surplus water, muck, silt, or any other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from his failure to so provide.
- (i) The permit holder shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The City Manager may permit the closing of streets and alleys to all traffic temporarily, for a period of time prescribed by him, if, in his opinion, it is necessary. Written permission from the City Manager will be required for all street and lane closures and the permit holder may be required to give notification to various public agencies and to the general public.
- (j) Whenever it may be necessary for the permit holder to trench through any lawn area and boulevards, the sod shall be carefully cut and rolled and replaced after excavation have been backfilled as required in this bylaw. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permit holder shall not remove, even temporarily, any trees or shrubs which exist in boulevards without first obtaining the consent of the City Manager.
- (k) The permit holder should be familiar with the existing subsurface soils, materials, and conditions, including but not limited to clay, sands, rocks, muskeg and ground water. The City of Meadow Lake

has no knowledge, nor makes any claims, as to the subsurface conditions that may be encountered during the excavation. The permit holder shall be prepared to use the appropriate safe construction practices, means and method to excavate through varying subsurface conditions.

- (l) Any future distortion along the trench lines, due to settlement or other causes attributable to the construction, shall be corrected as required during the period of twelve (12) months following the completion of the project by the permit holder.

9. BACKFILLING AND COMPACTION

- (a) A pre-backfill inspection by the City shall be requested and received before commencing any excavation backfill procedures. All excavations shall be carefully backfilled with suitable material acceptable to the Manager of Public Works and shall be compacted to the density specified by the Manager of Public Works or the compaction procedure and equipment utilization specified by the Manager of Public Works shall be followed.
- (b) Granular backfill material shall be readily compactable and shall be free from alkali, salt, and petroleum products, roots, sod, frozen material, limbs, and other vegetative matter, slag, cinders, ashes and rubbish, or other material that in the opinion of the Public Works Manager may be objectionable or deleterious.
- (c) Sand bedding material shall be free from alkali, salt, and petroleum products, roots, sod, limbs, and other vegetative matter, slag, cinders, ashes, frozen material and rubbish, or other material that in the opinion of the public Works Manager may be objectionable or deleterious.
- (d) Compaction must be inspected and approved by the Public Works Manager prior to placement of additional lift of backfilled materials. Each lift shall be compacted mechanically or using other methods approved by the Public Works Manager. Other methods will be used, depending upon the type of soil involved, to compact the backfill materials. Such backfill shall be done in a manner that will permit the restoration of the surface to a condition equivalent to that in which it was prior to excavation. The Manager of Public Works may require soil tests to be furnished by an independent licensed soil testing laboratory when, in his opinion, backfill for the excavation is not being adequately compacted. All expense of such tests shall be borne by the permit holder.
- (e) Backfill materials shall be fine material, free from lumps, stones, and frozen material, selected from the spoil, shall be thoroughly compacted around and under the substructure to the upper level of the substructure. Above this level backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the method of consolidation being used.
- (f) Acceptance or approval of any excavation work by the City Manager shall not prevent the City from asserting a claim against the permit holder for incomplete or defective work. The permit holder is financially responsible for any maintenance work required on said excavation or surface works for a period of 12 months following the completion of the work.

- (g) All cleanup operations at the location of such excavation shall be accomplished at the expense of the permit holder and shall be completed to the satisfaction of the City Manager or Manager of Public Works. Surplus material is to be removed from the City lands, or deposited where and as directed by the Manager of Public Works from time to time, as may be ordered by the City Manager and in any event immediately after completion of said work the permit holder shall at his own expense, clean up and remove all refuse and unused materials of any kind resulting from said work and upon failure to do so within 48 hours after having been notified to do so in writing, by the City Manager said work may be done by the City crew and the cost thereof charged to the permit holder or deducted from his deposit.

10. REINSTATEMENT OF PAVEMENT AND SIDEWALKS

- (a) Reinstatement of pavement and sidewalk and curb and gutter will be done by the City or its agent at the expense of the permit holder.
- (b) The cost of the works will be charged to the permit holder in the manner set out in Section 7 of this bylaw.
- (c) The City shall charge the permit holder the rates set by the Council for equipment and personnel and/ or its actual cost of materials and/or contracted services.

11. TRAFFIC, SIGNS AND BARRICADES

- (a) Streets must at all times be kept open to traffic, unless specific permission is granted to close such to traffic for the purpose of executing excavation works. The roadway must be completely restored for traffic as soon as possible. At all times the permit holder must safeguard the travelling public, and shall be responsible for the supply, setting out and maintaining all barricades, lights and warning devices required for the safety of the public. Immediately before any street is closed, the permit holder must notify the City Manager or the Manager of Public Works who will in turn notify the emergency services. The permit holder must also notify the City Manager or the Manager of Public Works immediately on opening a street to the travelling public and the Manager of Public Works will advise the emergency services.
- (b) Warning signs shall be placed far enough back of the construction operation to alert traffic within a public street, and cones, signs, lights or other approved devices shall be placed to channel traffic. All channelization, detours, closures, etc., shall be as approved by the Manager of Public Works. Barricades or barriers shall meet the requirements of the **Manual of Uniform Traffic Control Devices** – Canada or as approved by the Manager of Public Works and shall display the name of the Contractor performing the work. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a clear distance of 150 feet. Reflectors or reflecting material may be used to supplement, but not replace light sources. Where, in the opinion of the Manager of Public Works, traffic or other conditions warrant, flagmen will be required to assist traffic through the construction area.

12. OTHER CONDITIONS

- (a) In granting any permit, the City Manager may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:
- (i) Limitations of the period of the year in which the work may be performed.
 - (ii) Restrictions as to the size and type of equipment.
 - (iii) Designation of routes upon which materials may be transported.
 - (iv) The place and manner of disposal of excavated materials.
 - (v) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other operations offensive or injurious to the neighbourhood or the general public.
 - (vi) Regulations as to the use of streets in the course of the work.

13. PENALTIES

Any person, who violates any provision of this bylaw or fails to act in accordance with the written order issued pursuant to this bylaw, is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of this City. Also, any individual excavating within the public right-of-way without a valid permit will be notified to stop work and immediately apply for an Excavation Permit. An additional **\$500** fee will be applied.

14. Bylaw 3/1984 is hereby repealed.

15. This bylaw shall come into force on the date of passage.

Introduced and read a first time this 13th day of May, 2013.

Read a second time this 27th day of May, 2013.

Read a third time this 10th day of June, 2013.