



TITLE: CUSTOM WORK

Policy No.: R/S - 005

Section: Roads and Streets

Page no.: 1 of 3

Legislation Reference

Alberta Provincial Statutes

Purpose: To establish provisions for the responsibility of Town of Smoky Lake in performing Custom Works to external agencies or organizations and create an understanding between the Town and the applicant.

Policy Statement and Guidelines:

1. STATEMENT

- 1.1 Custom works are not a core function of Town of Smoky Lake and will not take precedence over Public Works.
- 1.2 Town of Smoky Lake will be compensated for all performance of Custom Work in accordance with the Alberta Road Builders Annual Rate; unless otherwise determined by Town Council; and is not to detriment of ongoing municipal operations.
- 1.3 Town of Smoky Lake will not provide custom work on Private Property. Ratepayers are encouraged to obtain the custom work services from private contractors or equipment to perform the required work. Exceptions may be authorized by Council when circumstance warrant where services or equipment may not be available to perform the requested work.
- 1.4 The Town may enter into agreements if custom works warrants a long-term requirement with other municipalities and/or provincial / federal agencies for custom work and the rates to be charged will be in accordance with Alberta Road Builder Annual Rates.

2. OBJECTIVE

- 2.1 Establishing a Policy on Custom Works ensures that municipal equipment and resources are used in a fair and equitable manner. It also serves to enhance the overall accountability and transparency of the municipality.
- 2.2 As such, it is the intention of Town of Smoky Lake to support these agencies or organizations through the provisions of maintenance services upon operational requirements and availability of resources.
- 2.3 A proactive approach to assist these agencies or organizations and the Municipality is with minimizing risk and claims, controlling insurance costs and ensuring that coverage is available in the future.

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3. DEFINITIONS

- 3.1 **Custom Work:** any work undertaken by the municipality on non-Town property other than a public work that is the responsibility of the municipality.
- 3.2 **Hold harmless agreement:** Contract by which legal liability for damages of one party is assumed by the other party. One party agrees to hold the other party harmless (and usually indemnify) from the liabilities associated with the hazards of a particular activity or venture

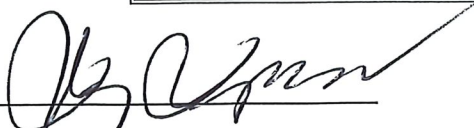
4. GUIDELINES

- 4.1 The Public Works Manager reserves the right to refuse any requests for custom work if performance of the custom works will interfere with public work projects or lack of equipment or trained operators.
- 4.2 No custom work will commence unless the agencies or organizations have signed an Hold Harmless Agreement, as outlined in *Schedule "A" – Hold Harmless Agreement – For Use in Connection with Custom Work*, which is a requirement that the Town does not expose itself to any unnecessary risk.
- 4.3 The Town shall be compensated for all performance of Custom Work in accordance with the Alberta Road Builders Annual Rate; unless otherwise determined by Town Council.

5. PROCEDURES

- 5.1 Custom works shall be limited to the scope and abilities of the equipment and staff of the Public Works Department only.
- 5.2 The date for performing the work to be at the discretion of the Public Works Foreman with excerpts as detailed below:
 - municipal equipment is available.
 - municipal operations are not negatively impacted.
 - those requesting the custom work sign a Hold Harmless Agreement absolving this Town for any liability risk.
 - may refuse to perform the work if they deem it unsafe or unnecessary.

	DATE	RESOLUTION NUMBER
Approved	2018-02-06	2945/18
Amended		
Amended		


Hank Holowaychuk
 Mayor


Adam Kozakiewicz
 Chief Administrative Officer

March 12 / 2018 