

THE RURAL MUNICIPALITY OF WHITEHEAD

POLICY & PROCEDURES MANUAL

<i>Department</i> Public Works	<i>Classification</i> POLICY
<i>Subject</i> PRIVATE WORKS	<i>Pages</i> 3
<i>Authority</i> Council	<i>Effective Date</i> March 10, 2014
<i>Approved</i> Resolution# 20	<i>Index</i> PW-01

DEFINITIONS:

Employee means any person employed by the municipality, and includes the Chief Administrative Officer, designated officers, full time, part time, contract, or casual employees, including volunteers.

Municipality means the Rural Municipality of Whitehead.

Private Works means any work undertaken by the municipality on private property other than a public work that is the responsibility of the municipality.

SCOPE:

Private works are not a core function of the municipality and will not take precedence over public works. Private works will only be considered for ratepayers of the RM of Whitehead. Ratepayers are encouraged to obtain the services of private contractors or equipment. This policy applies to works and services carried out by the municipality on private property, within the boundaries of the municipality.

POLICY DESCRIPTION:

Establishing a Private Works Policy 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.

The purpose of this policy is to outline Council's requirements for the undertaking of private works by the municipality.

NOTE: The RM does not gravel private lanes.

APPLICATIONS/APPROVALS:

All requests for private works are to be directed through the municipal office. Ratepayers are first required to fill out the attached "Schedule A" and submit it to the CAO. Work Orders will be forwarded to the Public Works Foreman. The municipality has the right to refuse any request for private works.

RATES:

Rate charged for private works are as follows:

Equipment (includes operator)	Rate (per hour/or any portion thereof)	Minimum Charge
Grader/ Tractor	\$150.00	\$150.00
This is the only equipment the RM of Whitehead has available for private works.		

PAYMENT:

The applicant will be invoiced for private works undertaken by the municipality, at the rates fixed in the policy. Payment is due upon receipt of invoice from the municipality. Any balance outstanding over 90 days, will be added to taxes at year end.

LEGAL LIABILITY:

The applicant shall indemnify the municipality against any claim, action or process for damage or injury which might arise during the progress of such private works. All ratepayers requiring private works must sign a "Hold Harmless Agreement – Schedule A" before any private works activities will occur.

**Rural Municipality of Whitehead
Schedule "A"**

HOLD HARMLESS AGREEMENT
FOR USE IN CONNECTION WITH CUSTOM WORK & SNOW CLEARING/RIDGING

THIS AGREEMENT made this _____ day of _____, A.D., 20_____.

BETWEEN:

The Rural Municipality of Whitehead
(hereinafter called "the Municipality")

OF THE FIRST PART
And

Name

Mailing Address

Phone Numbers:

Home _____ Work _____ Cellular _____
(hereinafter called "the Landowner")

OF THE SECOND PART

Legal Land Description:	_____ Quarter	_____ Section	_____ Township	_____ Range	W
Civic Address _____					
Lot# _____		Plan# _____			

WHEREAS the Landowner has requested that the Municipality be allowed to enter the property to snow clear, or perform private works, or the Municipality has requested permission to ridge snow, upon the terms and conditions as per Policy.

The Landowner, covenants and agrees with the said municipality, for myself, my heir, executors, administrators and assigns that I shall not have any claim for loss or damage caused to my property by reason of the performance of the said work of snow clearing, snow ridging, or custom work whether such loss or damage is the result of the negligence or any servant, agent, or employee of the said Municipality, or otherwise, and agrees to pay for any damage sustained by municipal equipment due to negligence by the landowner.

IN WITNESS WHEREOF has hereunto set their hand and the day and year first above written.

SIGNED

RURAL MUNICIPALITY OF WHITEHEAD

Landowner

Chief Administrative Officer

March, 2014