

Licensing of Road Allowances Policy

4A.007

Section: 4.0 Infrastructure Services
- A. Roads

Authority: Council

Statement

The Municipal District of Bonnyville No. 87 (M.D.) recognizes there are some benefits derived from Agricultural/Industry pursuits in licensing of roadways.

Purpose

The purpose of this policy is two-fold:

- (1) To grant a license or permit for the temporary occupation or use of a roadway in accordance with the Traffic Safety Act (TSA), Chapter T-6 revised Statutes of Alberta 2000, as amended; and
- (2) To adopt a process for M.D. Council's consideration of a roadway closure that provides for the proposed road to remain in the control of the M.D. and allows for the gating and/or licensing of the roadway to a third party.

Definitions

For the purposes of this policy:

- (1) "Council" means the duly elected Council of the M.D.

Policy

- (1) The process for a proposed road closure by way of a license may be initiated by an administrative review, Council inquiry, or receipt of a public application in accordance with section 13(1) of the Traffic Safety Act (TSA) and the M.D. Licensing of Road Allowances Procedure.
- (2) If the process results in a closure by way of a license to a third party, the third party will be required to enter into a Roadway License Agreement (*Attachment A*) and be responsible to pay the annual license fee as noted in the M.D. Fee Bylaw.
- (3) An initial administrative review will take place to determine the feasibility of the proposed closure. Some matters that will be considered are the number of properties and property owners that may be impacted, whether there is agreement among the adjacent landowners, the reason for the proposed closure, and Council's direction.
- (4) If the closure process continues beyond the initial administrative review, referrals will be sent to all adjacent landowners, to utility companies (telecommunications, power authorities, gas distribution, etc.), and to any owner/operator of any pipeline or right-of-way that crosses the subject closure area. If the road allowance is adjacent to Crown Lands or a water body, a referral will be sent to Public Lands (Alberta Environment and Parks, Approvals & Disposition Services).

- (5) Dependent on the circumstances of the closure, by way of a Council resolution the M.D. may accept responsibility, including any costs involved, for the installation and maintenance of the gating/blocking of the closed roadway. In all other instances, the applicant/landowner will be responsible for the installation and maintenance of gates and associated costs.
- (6) The Roadway License Agreement shall contain, but not be restricted to the following information:
 - (a) License agreements shall not exceed three (3) years.
 - (b) License agreements shall expire on December 31st of the last year of the agreement.
 - (c) License agreements may be renewed at three (3) year intervals, at the discretion of the M.D., provided the municipality does not require the roadway for other use.
 - (d) In the event that the municipality requires use of the licensed roadway, the Licensee shall be served with a 30-day written notice from the municipality.
 - (e) The Licensee may cancel the Roadway License Agreement at any time by serving the municipality with a 30-day written notice.
 - (f) No refund will be issued for cancelled Roadway License Agreements.
 - (g) The three (3) year term license rate shall be set by Council. This fee is due and payable upon approval of the license application. The first year's license fee shall consist of the period of time between the approval of the license and the remainder of the calendar year, however, the fee will be for the entire annual amount regardless of the date on which the license is approved.
 - (h) The Licensee shall not erect any building, structure or other thing that is, in the opinion of the M.D., a permanent improvement except for fences or gates, unless such building, structure or other permanent improvement receives the prior approval, in writing, of the M.D.
 - (i) The Licensee shall not restrict public access to the road allowance through the use of locking mechanisms on gates or other installed structures.

Policy Review

Within five (5) years from date adopted / amended / reviewed.

For administrative use only:

Previous Policy Number: (prior to July 24, 2019)	30.34.02
Related Documentation: (plans, bylaws, policies, procedures, etc.)	Attachment A: Road License Agreement Application Procedure: Licensing of Road Allowances Procedure



Application for Roadway License Agreement

Applicant(s):

Name(s): _____

Address: _____

Postal Code: _____ Phone Number: _____

Email Address: _____

Description of roadway being requested under license:

***Attach a descriptive map of the area to be licensed.**

Describe the purpose/reason for this application:



Licensing of Road Allowances Policy: ATTACHMENT A Policy No. 4A.007

Signature of Applicant(s)

Date of Request

Land Location of Applicant(s)

Application Fee: \$150.00

Receipt #: _____

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