

Clearing of Undeveloped Road Allowance Policy

C-4A.008

Section: 4.0 Infrastructure Services
- A. Roads

Authority: Council

Administering
Department: Infrastructure Services

Statement

The Municipal District of Bonnyville (M.D.) will not allow the removal of trees on undeveloped road allowances for the purpose of commercial tree harvesting, agricultural, or industrial pursuits unless required for road construction.

Purpose

The purpose of this policy is to preserve undeveloped road allowances in their natural state, control wind and water erosion, and limit the ability of vehicle access.

Definitions

For the purposes of this policy:

- (1) “Chief Administrative Officer” (CAO) means the Chief Administrative Officer of the M.D. appointed by Council, or their authorized delegate;
- (2) “Council” means the duly elected Council of the M.D.;
- (3) “The Person” means the person who has requested the clearing of brush and other debris from the undeveloped road allowance;
- (4) “Road Allowance” means any undeveloped right-of-way surveyed for the purpose of a road by either the federal or provincial government survey and includes all right-of-way’s provided by virtue of any statute for the purpose of road use, or any right-of-way properly dedicated to the public use as a highway;
- (5) “Solid Material” means any soil, rocks, trees, grass or debris.

Policy Procedure

- (1) Prior to granting approval for clearing a road allowance, Administration shall consult the local Councillor and adjacent landowners to determine if there are any local concerns regarding the request ~~would affect the decision~~.
- (2) ~~The Person shall be responsible for all costs incurred in the clearing and brush disposal project including proper signage (construction ahead, men working and such)~~ The person shall be responsible for all expenses related to the clearing and disposal of brush and shall be responsible for the cost and implementation of any environmental regulatory approvals and the expense and distribution of

Date Adopted: May 7, 1998

Resolution No: 98.311

Date Amended₍₀₁₎: November 28, 2012

Resolution No: 12.501

Date Reviewed₍₀₁₎: June 21, 2017

Resolution No: 17.216

adequate signage during construction to ensure the safety of the environment, road users, and the public.

- (3) All surface disturbances shall be kept to a minimum with appropriate measures taken to control wind and **water soil** erosion.
- (4) All trees shall be salvaged or removed and disposed of by burning and other methods approved by **the** Council. Merchantable timber shall be considered the property of **the Province Alberta-Environmental** and shall not be harvested without prior approval.
- (5) All debris from the person's equipment and facilities shall be removed from the site and all solid materials shall be either removed or **when necessary with prior approval from the CAO**, buried with a minimum of **40 inches one (1) meter** of soil cover.
- (6) The disturbed area shall be re-contoured to conform to the surrounding topography.
- (7) Topsoil and root zone material should be spread evenly over the entire area after it is sufficiently settled, **as determined by the CAO**.
- (8) Should the person request road upgrading of the undeveloped road allowance, they shall be responsible for the cost of the road upgrading. The road shall be constructed to M.D. standards.
- (9) ~~The Person shall cut trees and brush, remove all roots and remove, pile and burn all trees (except trees to be preserved), brush, stumps, logs and roots within the limits of the right-of-way, and also from such areas as may be required for off take ditches, channel changes, easements, borrow pits, etc., as directed by the M.D. All underbrush and down trees protruding into the right-of-way are to be disposed of in the same manner. Timber, brush, stumps, logs or roots shall not be piled upon adjacent lands, and the limits of the right-of-way shall be left in proper condition for fencing. All tree branches extending into the right-of-way, which hang within six (6) metres of the ground, shall be cut off close to the trunk in a neat and workmanlike manner.~~

The Person is required to adhere to the following specific requirements:

- (a) Cutting trees and brush, removing roots, and disposing of various materials such as trees (excluding preserved ones), brush, stumps, logs, and roots.
- (b) Removal of these materials not only from the right-of-way but also from any areas as directed by the M.D., which may include off-take ditches, channel changes, easements, borrow pits, and other specified locations.
- (c) All underbrush and down trees that extend into the right-of-way are to be disposed of in the same manner as the other materials. Timber, brush, stumps, logs, or roots should not be piled upon adjacent lands.
- (d) Must ensure that the limits of the right-of-way are left in a proper condition suitable for fencing.

Date Adopted: May 7, 1998

Resolution No: 98.311

Date Amended₍₀₁₎: November 28, 2012

Resolution No: 12.501

Date Reviewed₍₀₁₎: June 21, 2017

Resolution No: 17.216

- (e) Responsible for trimming tree branches that extend into the right-of-way and hang within six (6) meters of the ground. These branches need to be cut off close to the trunk in a neat and workmanlike manner.
- (10) If ordered by the M.D., certain trees within the right-of-way shall be preserved. Underbrush, down timber, snags and roots shall be removed from the vicinity of such preserved trees to a clear space within the right-of-way, and there burned.
 - (11) The person shall be solely responsible for ensuring **any controlled** ~~all~~ fires **that occur on the site** are totally extinguished. If a **wildfire** ~~fire~~ results from an improperly extinguished **controlled** fire, the person may be held responsible for the damage.
 - (12) The Person shall be responsible for the costs and construction of replacing existing fences and providing new fences where required by the M.D.
 - (13) **Any road allowance must remain safely accessible to public access at all times during the project.**
 - (14) **Any clearing of undeveloped road allowance approved under this policy must be completed within one (1) year of approval being granted unless an extension has been provided, in writing, by the M.D.**
 - (15) **Failure to comply with above-stated conditions will result in a Stop Work Order and potential cancellation of the approval, at the CAO's discretion.**

Policy Review

Within ~~five (5)~~ **four (4)** years from date adopted / amended / reviewed.

For administrative use only:

Previous Policy Number: (prior to July 24, 2019)	30.34.03
Related Documentation: (plans, bylaws, policies, procedures, etc.)	

Date Adopted: May 7, 1998

Resolution No: 98.311

Date Amended₍₀₁₎: November 28, 2012

Resolution No: 12.501

Date Reviewed₍₀₁₎: June 21, 2017

Resolution No: 17.216