

Licensing of Roadways Policy

3A.018

Section: 3.0 Planning and Community Services
- A. Planning and Development

Authority: Council

**Administering
Department:** Planning and Community Services

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:

- (1) To provide specific guidelines to assist the M.D. in providing administrative care and control of the provincially owned roadways or road allowances; and
- (2) To adopt a process for M.D. Council to consider granting a license for the temporary occupation or use of a roadway, as amended in order for the proposed road to remain in the control of the M.D. and allow for the 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.
- (2) “Adjacent Landowner” means an identified titled owner or Provincial Lessee of adjacent land that is contiguous to the area of land that is being applied for to enter into a Roadway Licensing Agreement and includes land that would be contiguous if not for a highway, road, river, or stream.
- (3) “Roadway” means a portion of a road allowance as designated by the Canadian Dominion Land Survey System to allow access to land every second Township line going North and every mile going West, which is owned by the Province of Alberta, but under the care and control of municipalities, and/or road plan shown as a road on a plan of survey that has been filed or registered in a land titles office.

Policy

- (1) Requirements and Process
 - (a) The process for a proposed roadway license may be initiated by an administrative review, Council inquiry, or receipt of a public application.
 - (b) The application for a roadway license must include the following:
 - (i) The appropriate application fees as outlined in the M.D. Master Rates Bylaw.
 - (ii) A completed application form signed by the applicant(s).
 - (iii) A current copy of the applicant’s certificate of title or Provincial Grazing Lease (which proves ownership of the land adjacent to the road allowance).

- (iv) The reasons for the roadway license application, which may be provided on either the application form or an attached letter.
 - (v) An appropriate description of the proposed Roadway Licensing area.
 - (c) If the process results in a license to a third party, the third party will be required to enter into a Roadway License Agreement.
 - (d) An initial administrative review will take place to determine the feasibility of the proposed license. 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, and the reason for the proposed closure.
 - (e) If the closure process continues beyond the initial administrative review, a Bylaw authorizing the roadway license will be drafted and presented to Council through a Request for Decision (RFD) for first reading. The applicant will then be notified of Council's decision.
 - (f) If the Bylaw receives first reading, Administration will prepare letters and referral packages for circulation to the following, but not limited to:
 - (i) Adjacent landowners;
 - (ii) Utility companies (i.e. telecommunications, power authorities, gas distribution, etc.); and
 - (iii) Any owner/operator of any pipeline or right-of-way that crosses the proposed roadway area.
 - (iv) If the roadway is adjacent to Crown Lands or a water body, a referral will also be sent to Public Lands (Alberta Environment and Parks, Approvals & Disposition Services).
 - (g) Following the completion of first reading, public notification of the proposed Bylaw will occur in accordance with the M.D. Public Notification Bylaw and will be advertised for a period of one (1) month.
 - (h) All correspondence submitted regarding the proposed Bylaw will be summarized and presented to Council at the second reading of the Bylaw.
 - (i) Any submissions containing personal attacks or derogatory or defamatory statements, or statement that promote discrimination against a person or class of persons, or is likely to expose a person or class of persons to hatred or contempt, in accordance with provisions of the Human Rights Act, will not be accepted by the M.D. or provided to Council in accordance with the M.D. Procedural Bylaw.
 - (j) If the Bylaw receives third and final reading, Administration will work with the applicant to execute a Roadway Licensing Agreement.
 - (k) Once the Roadway Licensing Agreement is fully executed, an original copy will be provided to the applicant with a copy retained by Administration for municipal records.
- (2) Agreement
- (a) The Roadway License Agreement shall contain, but not be restricted to the following information:
 - (i) Name and current address of applicant(s).

- (ii) Appropriate description of the Roadway Licensing area, which will be included within the authorizing Bylaw.
 - (iii) Eligibility criteria to enter into the Roadway Licensing Agreement.
 - (iv) Liability and comprehensive liability insurance requirements.
 - (v) Compensation of damages.
 - (vi) Termination terms of the agreement, and the rights of the Licensee.
 - (vii) M.D. and Licensee notification information.
 - (viii) Agreement execution and witness section.
 - (ix) Map of the Roadway Licensing area consistent with the approved Bylaw.
 - (x) Witness Affidavits of Execution for each witness.
- (b) License agreements shall not exceed three (3) years.
 - (c) License agreements shall expire on December 31 of the last year of the agreement.
 - (d) 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.
 - (e) 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.
 - (f) The Licensee may cancel the Roadway License Agreement at any time by serving the municipality with a 30-day written notice.
 - (g) No refund will be issued for cancelled Roadway License Agreements.
 - (h) The three (3) year term license rate shall be set by Council through the M.D. Master Rates Bylaw. This fee is due and payable upon receipt of the license application and for any subsequent renewal term. The license fee shall consist of the period of time between the approval of the license and the remainder of the agreement term.
 - (i) 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.
 - (j) The Licensee shall not restrict public access to the roadway 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.)	Form: Road License Agreement Application Procedure: Licensing of Road Allowances Procedure