



Policy # 6304

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Policy Title: Undeveloped Road Allowance Licences

Policy No.: 6304

Approval: County Council

Effective Date: April 23, 2014

Approval Date: April 23, 2014

Amended Date: November 28, 2018

Supersedes Policy No.: Section F(8)

Policy Statement: Mountain View County may licence the use, or permit the restriction of use, of an undeveloped road allowance.

Purpose: Mountain View County supports the agricultural use of undeveloped road allowances where there is a mutual benefit to the County and adjacent landowners. Further, Mountain View County supports restricting access of an undeveloped road allowance in instances that would minimize illegal activity, minimize environmental impact or eliminate a nuisance at the discretion of the Chief Administrative Officer.

Principles:

1. Under the *Alberta Traffic Safety Act*, the municipality may issue a licence for the temporary occupation or use of an undeveloped road allowance.
2. Under the *Municipal Government Act*, a municipality has the direction, control and management of all roads within the municipality.
3. Undeveloped Road Allowance Licenses must not have a negative impact on adjacent land owners requiring access to affected Property.



Mountain View
C O U N T Y

Procedure # 6304-01

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1. Undeveloped Road Allowance Licence

- 1.1 Licences for use of the road allowance will only be granted for agricultural purposes, or in instances that would minimize illegal activity, minimize environmental impact or eliminate a nuisance.
- 1.2 The Undeveloped Road Allowance Licence does not supersede the *Alberta Traffic Safety Act* or the *Mountain View County General Traffic Bylaw*.
- 1.3 Licences are issued subject to continued use of the road allowance by such agencies as may be permitted by present and future legislation.
- 1.4 Licences are subject to cancellation upon thirty (30) days written notice by the County or the Minister of Transportation and Utilities, or the Licensee.
- 1.5 Licences are issued for a period not exceeding three years. A licence entered into part way through a year will be considered as a full year and will be charged the full year fee.
- 1.6 Licences may be renewed by Administration for a further three-year period at the expiry of a licence period.
- 1.7 Mountain View County retains the right of entry and control including the right and privilege of cutting or spraying any portion of the road allowance for the purpose of weed control, or for any other purpose at any time in the areas for which this Licence has been issued.
- 1.8 The placement of buildings or storage of equipment is strictly prohibited.
- 1.9 The Undeveloped Road Allowance Licence does not permit tree clearing, if any tree removal is required a written request must be submitted for consideration. If written approval is granted, the Licensee is responsible for all liability and expense for the clearing process, no liability or expense will be covered by Mountain View County. All trees cleared cannot be piled or stored on the Undeveloped Road Allowance. Any marketable timber is salvaged as per Sustainable Resource Development, Government of Alberta requirements.

2. Undeveloped Road Allowance Licensee

- 2.1 Only landowners adjacent to the undeveloped road allowance may be licenced to use the road allowance.

- 2.2 In consideration of the County's granting the licence the Licensee agrees to indemnify and save harmless Mountain View County of and from any claims or demands arising from the operations on the right of way.
- 2.3 The Licensee shall, at its sole expense, obtain and maintain comprehensive general liability insurance throughout the term of the Licence.
- 2.4 The Licensee shall be responsible for weed control on the right-of-way to the satisfaction of the County.
- 2.5 The Licensee shall not have the right to sublet any portion of the Licence.

3. Application for an Undeveloped Road Allowance Licence

- 3.1 An application must be filled out for the request to use an undeveloped road allowance, jointly signed by both adjoining landowners. The application must identify the following
 - a. Which landowner will be the holder of the Licence, clearly outlining the use of the road allowance, and the other adjoining landowner's consent;
 - b. Agreement to conditions of the Undeveloped Road Allowance Policy, Procedure and Licence;
 - c. Identifying any gates or cattle guards that will be erected across the Undeveloped Road Allowance;
 - d. Mutual agreement with adjoining landowner for shared use, repair and costs of the perimeter fence as per the Line Fence Act.
- 3.2 A copy of the application will be forwarded to the local Councillor for comment.
- 3.3 If the application is acceptable, an Undeveloped Road Allowance Licence Agreement will be entered into by the County and the applicant/landowner.
- 3.4 Payment of the Licence fee must be received prior to granting a Licence agreement.
- 3.5 Licence fees will be charged at a rate in the Mountain View County Fee Schedule Bylaw.

4. Multiple Requests for an Undeveloped Road Allowance Licence

- 4.1 When both adjacent landowners are requesting use of the undeveloped road allowance, the road allowance may be divided between the two adjacent landowners, the following procedures shall apply:
 - a. The application form will be forwarded to the County and jointly signed by both adjoining landowners advising the County as to which landowner will be responsible for placing the fence and how the costs will be shared;
 - b. One of the adjacent landowners shall notify the County when a mutually accepted fence has been constructed;
 - c. All costs associated with the fence, including any survey costs, will be paid for by the adjacent landowners;
 - d. In the event that the fence needs to be replaced at some future point due to road construction, the fence will be removed by the County and will be replaced as per County policy on both sides of the road.

- 4.2 When adjacent landowners cannot agree as to who should receive or the sharing of the Licence, the road allowance will not be Licenced and neither party will be granted Licenced use.

5. Restricting Access of an Undeveloped Road Allowance

- 5.1 With the written consent of all affected adjacent landowners to an Undeveloped Road Allowance, Licenced road allowances may be gated and locked so as to prevent vehicle access, provided there are no valid public complaints or safety concerns.
- 5.2 If renewing an Undeveloped Road Allowance Licence with restricted access, the Licensee must provide written consent from all affected adjacent landowners.

6. Restricting Access of an Undeveloped Road Allowance for Other Purposes

- 6.1 A request to restrict the use of the undeveloped road allowance, in instances that would minimize illegal activity, minimize environmental impact or eliminate a nuisance, may be made when the road allowance is not required for access and is not being utilized for agricultural use.
- 6.2 The request must be made in writing to the Chief Administrative Officer identifying the necessity for restricting access and include written consent from all affected adjacent landowners. The Chief Administrative Officer shall have final authority as to the decision to restrict access to the Undeveloped Road Allowance.
- 6.3 The County shall maintain the final authority to revoke any approvals at anytime including the removal of any locks or barricades without notice to the landowner(s).

7. Complaints

- 7.1 Complaints received regarding access to affected properties along an undeveloped road allowance where a Licence has been issued will be resolved through the Licensee, if an agreement with adjacent affected landowners cannot be reached the Undeveloped Road Allowance Licence may be revoked.
- 7.2 If the licensee does not adhere to the terms of the Undeveloped Road Allowance Licence the Licence may be revoked and could be subject to fines under the General Traffic Bylaw.