

COUNTY OF ST. PAUL NO. 19

Our Mission - To create desirable rural experiences



DEV-6 Road Allowance Management Policy

Department: Planning and Development

POLICY OBJECTIVE:

The County of St. Paul wishes to administer a fair and consistent formal process to licence for use undeveloped road allowance rights-of-way located within the County while also preserving and managing road allowance resources for future use.

POLICY STATEMENTS:

1.0 Background

1.1 The Council of the County of St. Paul No. 19 has the direction, control and management of all roads within its boundaries and recognizes that the primary purpose of roads and rights-of-way is to provide public access. Council acknowledges that there are some circumstances where property owners may wish to arrange with respect to a road allowance to be used for agricultural purposes. Section 13(1)(o) of the *Traffic Safety Act* authorizes a municipality to issue a licence for the temporary use and occupation of a road allowance.

2.0 Definitions

2.1 In this policy, these words are defined as follows:

- (a) **“Applicant”** shall mean the person or persons applying for the licence;
- (b) **“Adjacent Landowner”** shall mean the owners of all properties which abut a portion of the road allowance the applicant is applying to licence;
- (c) **“Chief Administrative Officer”** means the Chief Administrative Officer of the County of St. Paul No. 19;
- (d) **“Council”** shall mean the Council of the County of St. Paul No.19;
- (e) **“County”** shall mean the County of St. Paul No. 19;

- (f) **“Licence Area”** shall mean that portion of an undeveloped road allowance the applicant is proposing to use or occupy;
- (g) **“Licencee”** shall mean the person or persons the licence has been granted to; and
- (h) **“Use or Occupation”** of an undeveloped road allowance shall mean solely for the purposes of grazing livestock, cultivation, privacy and security, or another purpose specified by the proposed Licencee and approved by Council. No other activity, whatsoever, will be permitted within the Licence Area without the written permission of the County of St. Paul and all adjacent landowners.

3.0 Licensing

- 3.1 The use or occupation of an undeveloped road allowance, within the boundaries of the County of St. Paul No.19, requires the acquisition of a licence.
- 3.2 To apply for a licence the applicant must own land adjacent to the portion of the road allowance to be licenced and provide written approval/consent from all adjacent landowners affected by issuance of the proposed licence. Additionally, an application form will be required.
- 3.3 The application will be vetted by the Chief Administrative Officer or their designate. The administration will prepare a proposed bylaw allowing the County of St. Paul to licence the applicant to use the undeveloped road allowance provided that the applicant owns an adjacent parcel of land, is in good standing with the County, and the road is not required for public vehicle passage.
- 3.4 Council will consider first reading of the bylaw and if in support, will advertise the bylaw for public notice. After consideration of the bylaw, Council may proceed or withdraw the bylaw in accordance with the Municipal Government Act.
- 3.5 The schedule of fees and charges to be charged by the County for services rendered pursuant to this Policy shall be set out in the County’s Fee Schedule Bylaw. The fees and charges set out in the Fee Schedule Bylaw are determined from time to time by resolution by Council.
- 3.6 The applicant must pay a one-time fee as per the County’s Fee Schedule Bylaw to process the application which covers the expense of placing an ad in the local newspaper indicating the applicant’s intent to licence the road allowance. The applicant will also be responsible for an annual fee to licence the road allowance.

- 3.7 The applicant must demonstrate to Council a willingness to comply with the terms and conditions set out in this Policy and have the required consent forms from adjacent landowners completed before the Licence application will be considered.
- 3.8 The County of St. Paul aims to work cooperatively with ratepayers to limit regulation whenever possible. If an applicant is prepared to enter into an Agreement with the County and abides by all the provisions in this policy and the Agreement, Council will generally grant a licence. However, Council does reserve the right to deny a licence.
- 3.9 Upon approval, the County of St. Paul will charge the Licencee an annual fee based on the calendar year for occupation of the Road Allowance according to the County's Fee Schedule Bylaw, which is reviewed annually in December. Additionally, the Licencee must sign an *Undeveloped Road Right-of-Way Licence Agreement* and abide by all the provisions therein. The Agreement, amended periodically, forms part of the contract between the County and the Licencee.
- 3.10 The Agreement grants a non-exclusive right of occupation. Any restriction on the public's common law right to access will provide grounds for terminating the Licence.
- 3.11 Any licence to be issued is subject to termination upon thirty (30) days' notice as required by Section 13(1)(o) of the *Traffic Safety Act*.
- 3.12 The enclosed *Adjacent Landowner Consent to Licence an Undeveloped Road Allowance* found in Schedule A should be completed by all affected landowners and must accompany application for the licence.
- 3.13 Generally, undeveloped road allowances are to be left in their natural state. Council will consider improvements, additions, or alterations on a case-by-case basis.
- 3.14 The Licencee shall be responsible for weed control on the road allowance to the satisfaction of the County.
- 3.15 Where the owners or occupiers of the adjacent property to an undeveloped road allowance enter into an arrangement with neighbouring property owners for the location, construction, and maintenance of fences to accommodate the grazing of livestock or other agricultural practices, the County of St. Paul No. 19 will not require the construction of fences on both sides of the undeveloped road allowance.
- 3.16 Public access must always be preserved. A Texas gate or a gate providing continued public access through the Licenced Area is a mandatory condition of the licence. Any gates may not be locked and

no signs indicating “private property” or “no trespassing” are permitted to be displayed.

- 3.17 A fencing arrangement between adjacent property owners will only be considered in situations where public access will not be adversely affected.
- 3.18 If the adjacent property owners are unable to come to an agreement on fencing or if there is an objection to the fencing arrangement by the general public, the adjacent property owners who wish to control livestock will be required to remove any fencing located on the road allowance and erect a fence on the property line.
- 3.19 The County of St. Paul No.19 will not become involved in disputes between the neighbours over the location, construction, or maintenance of fences. Residents should contact the Office of the Farmers’ Advocate of Alberta or refer to the *Line Fence Act* and *Stray Animals Act* for guidance in solving disputes.
- 3.20 The County of St. Paul reserves the right to require adjacent property owners to remove any fences that may have been placed within the road rights-of-way. Moreover, the County will not assume responsibility for any costs or losses related to the construction, maintenance, or removal of fences on the rights-of-way.
- 3.21 The County assumes no responsibility or liability for damages to agricultural products (crops, hay or livestock), caused by the public who access the undeveloped road allowance. The adjacent landowner understands that damages may occur to their hay, crops and livestock that may be located upon the road allowance.

4.0 Leasing and Disposal of Undeveloped Road Allowances

- 4.1 The County values the future potential of road allowances and will not sell or lease an undeveloped road allowance under any circumstances.

