



Administrative Directive

Policy number: 3200.04A

Use and Closure of Road Allowances and Other Roads

Department: Infrastructure and Planning Services

Effective Date: November 22, 2005

Authority: CAO

PROCEDURES

1. Road Closure Applications

- 1.1. Application forms to close a road in Yellowhead County are available on the County's website and at the County office.
- 1.2. Completed forms shall be submitted to the County office.
- 1.3. Administration will forward the road closure inquiry to Alberta Transportation to determine the manner in which the road is to be closed.
- 1.4. Once it is known what method is to be used to close the road, Administration will circulate the application to third-party agencies (utility companies, provincial departments), adjacent landowners and those deemed to be affected, and applicable internal County departments for comment.
- 1.5. All comments will be compiled and presented to Council with the road closure application.
- 1.6. Administration will provide a recommendation to Council and will provide feedback received during the review and circulation.
- 1.7. If Council refuses the road closure application, Administration will close the file.
- 1.8. Refused applications to close the same portion of road may be resubmitted by applicants for Council's consideration after a three (3) year waiting period.
- 1.9. If Council approves the road closure application, then Administration will forward the required documentation to Alberta Transportation.
- 1.10. Council's decisions on road closure applications are final.
- 1.11. Successful applicants of road closures will be responsible for costs incurred by the County during the road closure process, including but not limited to surveying costs, legal fees, registration with Land Titles, endorsement fees, etc.
- 1.12. Parcel(s) created from successful road closures will be disposed of by Administration as directed by Council.

- 1.13. The purchase price for the sale of closed roads shall be determined in accordance with Policy 6100.06 (Land Sale).

2. Temporary Use of Undeveloped Road Allowances for General Agriculture

- 2.1. The temporary use of undeveloped road allowances for uses other than general agriculture shall not be permitted.
- 2.2. Application forms for the temporary use of undeveloped road allowances in Yellowhead County are available on the County's website and at the County office.
- 2.3. Completed forms shall be submitted to the County office.
- 2.4. The applicant(s) shall only be the landowner, leaseholder, occupant, or purchaser of benefitting lands adjoining the undeveloped road allowances.
- 2.5. Once an application has been deemed complete, written notices will be mailed out to the surrounding landowners adjacent to the undeveloped road allowance to ensure there are no objections.
- 2.6. The County will also advertise applications under consideration on its website, in the local newspaper, and post notices at both the Wildwood Office and the Edson Administration Building for twenty-one (21) days after the application is deemed complete.
- 2.7. Any person can provide a written reason for or against the proposed undeveloped road allowance being licensed within twenty-one (21) days of the date the notification was mailed and advertised.
- 2.8. Completed applications with any submitted responses will be presented by Administration to Council for consideration, whose decision shall be final.
- 2.9. Refused applications for the same temporary use of undeveloped road allowance may be resubmitted by applicants after a one (1) year period.
- 2.10. Yellowhead County shall not permit undeveloped road allowances to be split and/or fenced down the middle between two adjacent landowners.

3. License of Occupation for Undeveloped Road Allowances

- 3.1. Applicants of approved applications shall enter into a License of Occupation with the County for the temporary use of the undeveloped road allowances for general agriculture use.
- 3.2. Administration is responsible for preparing the License of Occupation.

- 3.3. In preparing a License of Occupation for the use of undeveloped road allowances, the County may impose such terms and conditions determined to be necessary or beneficial in its sole discretion, including but not limited to: proof of insurance, signage requirements, permissible obstructions such as gates and fences, and the limitations on the Licensee's access and use.
- 3.4. License of Occupations shall only be signed in original ink. Digital signatures shall not be accepted.
- 3.5. Two (2) signed copies are required for execution. One copy is to be retained by Yellowhead County, and one copy is to be retained by the Licensee.
- 3.6. The License of Occupation shall:
 - 3.6.1. Be for a maximum of five (5) years;
 - 3.6.2. Be limited to general agriculture use only;
 - 3.6.3. Require payment equal to a Road Closure application fee;
 - 3.6.4. Not be transferable and only runs with the named Licensee;
 - 3.6.5. Require payment of crop or grazing lease fees as listed in the Administrative Directive no. 6100.02A, to be invoiced;
 - 3.6.6. Require the Licensee to indemnify and save harmless Yellowhead County from and against any and all losses, liabilities, damages, costs and expense of any kind whatsoever including, without limitation:
 - a) The costs of defending, counter-claiming or claiming over against third parties in respect of any action or matter including legal fees, costs and disbursements on a solicitor and their own client basis and at all court levels;
 - b) Any cost, liability or damage arising out of any escape, seepage, leakage, spillage, discharge, emission or release, of hazardous substances;
 - c) Any cost, liability or damage arising out of a settlement of any actions; and
 - d) The costs of repair, clean-up, or restoration paid by Yellowhead County, which at any time or from time to time may be paid, incurred or asserted against Yellowhead County. This indemnification shall survive the expiration of the License of Occupation, the termination of the License of Occupation for whatever cause, and any renewal of the License of Occupation;

- 3.6.7. Require proof of liability insurance in the amount of \$2,000,000.00 on the part of the Licensee;
 - 3.6.8. Require the Licensee to be responsible for any weeds on the undeveloped road allowance to the satisfaction of the County;
 - 3.6.9. Require the Licensee to install gates at suitable locations, if applicable;
 - 3.6.10. Require the Licensee to be responsible to restore any damage done to the undeveloped road allowance under occupation;
 - 3.6.11. Not permit the Licensee to sublet any portion of the lands under the License of Occupation.
- 3.7. The License of Occupation shall be for non-exclusive access and the Licensee shall not prevent the public from accessing or traveling along the undeveloped road allowance. The Licensee does not have the right to bar entry to anyone wishing to travel the undeveloped road allowance or use the road as access.
- 3.8. The Licensee shall not be entitled to any revenues from existing or future well sites, lease roads, pipelines, or other dispositions that may existing or come into existence on or across the License of Occupation area.

4. Renewal of License of Occupation

- 4.1. The Licensee may apply to renew the License of Occupation with Administration without having to go to Council if the request is for:
 - 4.1.1. The same property; and
 - 4.1.2. The same purpose; and
 - 4.1.3. Is within 6 months of the expiry date of the last License of Occupation.

5. Fencing, Gates, and Structures

- 5.1. Any fencing and/or installation of gates on undeveloped road allowances is at the sole cost to the Licensee.
- 5.2. The removal of private infrastructure, including fencing and gates, at the request of the County for road upgrades or as directed by the General Manager of Infrastructure and Planning Services or their designate shall be undertaken by the Licensee at their cost and within the timeframe specified by the County.
 - 5.2.1. Any future fencing, as needed, of the Licensee's lands adjacent to undeveloped road allowance(s) shall be at the sole cost of the Licensee.

- 5.3. All fencing and gates shall not pose safety hazards and shall be maintained in good working order.
- 5.4. Gates installed across the width of undeveloped road allowances shall:
 - 5.4.1. Remain unlocked at all times;
 - 5.4.2. Not consist of any style of “Texas-gate”;
 - 5.4.3. Be designed to open a space wide enough to permit vehicle traffic to easily pass through;
 - 5.4.4. Contain signage installed at the Licensee's expense that, at minimum, states:
 - a) The area is a publicly accessible undeveloped road allowance;
 - b) Any notable hazards, such as livestock roaming at large;
 - c) The contact information for the Licensee and Yellowhead County;
 - d) Any other information as required by the Licensee or Yellowhead County.
- 5.5. Fencing, without a gate, shall not be permitted to be installed across the width of the road allowance.
- 5.6. Any necessary repairs to fencing shall be done by and at the expense of the Licensee in a reasonable timeframe.
- 5.7. The Licensee shall be liable for all damages sustained by any individual from fencing and gate(s).
- 5.8. No structures, aside from fencing and gate(s), shall be permitted on any undeveloped road allowances.
- 5.9. No work, development, improvement, or change in the condition of the undeveloped road allowance is permitted without the prior written authorization from the County.

6. Tree Clearing on Undeveloped Road Allowances

- 6.1. All tree and brush clearing requests will be addressed through the appropriate Provincial Ministry as required.
- 6.2. The license does not grant the holder the right to clear natural vegetation, including timber, on the road allowance. Any request to clear natural vegetation on the road allowance shall be submitted to and approved by the appropriate Provincial Ministry.

Confirmation of approval for the clearing of natural vegetation shall be submitted to Yellowhead County prior to any work commencing.

- 6.3. No liability or expense will be assumed by Yellowhead County.
- 6.4. Trees and brush cleared cannot be piled or stored on the undeveloped road allowance.
- 6.5. If equipment is required for the tree and brush removal, a written request for equipment entry permission is required from the County.

7. Public Access to Undeveloped Road Allowances

- 7.1. All undeveloped road allowances shall be accessible to the public at all times.
- 7.2. Any fenced undeveloped road allowances shall provide unlocked gate access to the public.
- 7.3. The County is not responsible for any damage to and/or loss of fencing, gates, signage, livestock, crops, etc., that results from use by the public.
- 7.4. Yellowhead 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.

8. Termination and Unpaid Fees

- 8.1. If a Licensee breaches any term of the License of Occupation and such default is not cured within thirty (30) days following direction from Yellowhead County specifying the nature of the default in question, the General Manager of Infrastructure and Planning Services or their designate may, at their discretion, and by notice in writing to the Licensee, immediately terminate the License of Occupation.
- 8.2. The County shall maintain the right to terminate a License of Occupation at any time for any reason upon providing thirty (30) days written notice to the Licensee.
- 8.3. Fees charged for and associated with the License of Occupation, including but not limited to renewal fees and leasing fees for crops or grazing, that remain unpaid ninety (90) days after issuance of the invoice will be transferred to the property tax account for the benefitting property of the Licensee and recovered in the same manner.

9. Enforcement

- 9.1. All unauthorized use of undeveloped road allowances related to this policy shall be submitted to the General Manager of Infrastructure and Planning Services or their designate to investigate.

- 9.2. All complaints will be investigated and brought to an appropriate conclusion as determined by the General Manager of Infrastructure and Planning Services or their designate.
- 9.3. Obstructions, without the benefit of a License of Occupation, that are located within a developed road, undeveloped road allowance, and other roads are strictly prohibited.
 - 9.3.1. Obstructions in developed roads, undeveloped road allowances, and other roads, may include but are not limited to fencing, gate(s), chattels, buildings, structures, stockpiling of material, debris, storage of vehicles (registered or unregistered) and equipment, keeping of livestock, and any other matter deemed to be obstructions as determined by the General Manager of Infrastructure and Planning Services or their designate.
 - 9.3.2. If an obstruction is found to be located within a developed road, undeveloped road allowance, and other road, the costs to bring the obstruction into compliance, including but not limited to surveying costs, removal, and disposal, will be transferred to the property tax account for the offending party pursuant to section 553 of the *Municipal Government Act*.
- 9.4. The enforcement of this Policy shall be complaint-based.

APPROVAL



 Luc Mercier, Chief Administrative Officer



 Date

For Administrative use only:

Previous Policy Number:	Use and Closure of Road Allowances and Other Roads no. 3200.04
Supporting Documentation, References:	Use and Closure of Road Allowances and Other Roads Administrative Directive no. 3200.04A Land Sale Policy no. 6100.06 Land Management Administrative Directive no. 6100.02A <i>Municipal Government Act</i> , RSA 2000, c M-26 <i>Traffic Safety Act</i> , RSA 2000, c T-6

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