



Cypress County - Policy ROAD ALLOWANCE LICENSING

Policy Owner: Roads
Adoption Date:
Resolution: 2018/414

Policy: R 5
Effective Date: June 24, 1986
Last Amended Date: July 31, 2018

ROAD ALLOWANCE LICENSING

Purpose

To provide Licensing of road allowances under County control for use by adjacent landowners for agricultural purposes pursuant to provisions of the Traffic Safety Act, and Bylaw 2016/36.

Guidelines

1. Cypress County will grant a Road Allowance licence for the temporary occupation or use of a road allowance, public highway or portions thereof when it is not required for public use.
2. Landowners (or Lessees) must apply in writing for a Road Allowance License for Temporary Occupation or Use of an unused road allowance adjacent to their property.
3. Applications shall include written consent of all landowners on the opposite side of the road allowance if the Applicant does not own both sides.
4. Applicants shall include the appropriate non-refundable fee set in the Master Rates Bylaw.
5. The County shall advertise an Notice of Application for the Temporary Occupation or Use of a Road Allowance in two consecutive weekly issues of a local newspaper and on the County website.
6. The application will be held for a period of thirty (30) days from the date of notice of the advertisement to allow time for the submission of objections. In the event an objection is received, the Director of Public Works will review the merit of the objection and determine if it warrants rejecting the issue of a license.
7. Provided that no objections are received, the County will enter into a Licence Agreement with the applicant and will continue from year to year unless terminated by either party.
8. The Road Allowance Licence Agreement will require the Landowner or Lessee to be responsible for Noxious weed control on the land referenced in the Alberta Invasive Plant Identification Guide.
9. The Licensee shall permit a right of passage onto the road allowance, and for this purpose shall provide gates at each end which shall be a minimum of 8 metres in width and these gates shall not be locked.
10. The installation of any Texas Gate shall be administered and approved under a separate policy, other than what is provided for herein.
11. No building, permanent structures or permanent improvements excluding a fence, shall be on this licenced land, unless approved in writing by the County.
12. This licence is issued subject to the right of the County or the Minister of Transportation to open the road for public use at any time, in accordance with the provisions of the Municipal Government Act or any other Act or Regulation.
13. The licence is subject to any rights given to any person under any other Act or Regulation and to any right granted by the County to any person for the use of the public highway hereto licenced.

14. The Licensee shall pay upon receipt of notice each year, the licence amount set in the Master Rates Bylaw. If the licence is cancelled due to non-payment, a reinstatement fee of ten percent (10%) of the annual licence amount will be applied with a minimum cost equal to the Road Allowance License minimum charge.
15. The Licensee shall not assign, sublet or transfer the license, and the licence shall be terminated if the landowner, a Lessee, or an immediate family member ceases to control the adjacent land. A licence may be transferred to an immediate family member who gains ownership of the land, at the discretion of the County.
16. In the event a road allowance has been licenced for a period, and a person wishes to have another person's road allowance licence cancelled, then the person requesting the cancellation shall state the reasons in writing to the Director of Public Works. The Director of Public Works will review the request, and approve or deny it based on each individual situation.

Policy History

Amendment Dates & Descriptions:

December 19, 1988; Resolution 88/297
 March 20, 2001; Resolution 2001/72
 July 19, 2016; Resolution 2016/367
 October 24, 2017; Resolution 2017/496
 July 31, 2018; Resolution 2018/414

Review Dates & Outcomes: