



CLEARWATER COUNTY

Licensing of Municipal Road Allowances Policy

POLICY

EFFECTIVE DATE:	April 1996
REVISED DATE:	February 28, 2017
SECTION:	Administration
POLICY STATEMENT:	To outline the procedure for managing the licensing of Municipal road allowances.
DEFINITIONS:	<p>“Undeveloped Road Allowance” means any land dedicated as a road right of way that has not been fully developed or required for vehicular traffic. The right of way may or may not be shown as a road on a plan of survey that has been filed or registered in a land titles office.</p> <p>“Licensee” a person to whom a license is granted or issued</p> <p>“Adjacent Land” Land that is next to or adjoining to the road allowance</p>
PROCEDURE:	<ol style="list-style-type: none">1. The CAO may, upon receipt of an application in an approved form and payment of the required fee set out in Schedule “A” of the Highway Management Bylaw #1018/16, issue to a Person a license for the purpose of authorizing the non-exclusive access and use of a Municipal Road Allowance.2. In issuing a license, the CAO may impose such terms and conditions, determined to be necessary or beneficial in his or her sole discretion, including but not limited to insurance requirements, signage requirements, whether obstructions such as fences and gates are permissible, and the limitations on the Person’s access or use.3. The license is for non-exclusive access and the license holder may not prevent the public from accessing or travelling along the Municipal Road Allowance;4. No work, development, improvement, or change to the condition of the Municipal Road Allowance is permitted without the prior written authorization of the CAO; and



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	<ol style="list-style-type: none">5. the County may terminate the license with 30 days written notice to the license holder pursuant to the <i>Traffic Safety Act</i>.6. Applications for agricultural uses of a road allowance will only be considered on undeveloped road allowances or abandoned registered roads where the proposed use is not in conflict with adjacent uses. In addition, the applicant must have title to or use of adjacent lands.7. Applications for Industrial, Commercial or Isolated Access use of a road allowance will only be considered where the proposed use is not in conflict with existing uses.8. The application fee will only be refunded if the application is denied.9. If the CAO accepts the application, notices will be sent out to adjacent landowners to ensure they have no objection to the proposal.10. Any person can provide a written reason for or against the proposed license within thirty (30) days after notification.11. Upon consideration of any written responses the CAO will make a determination on the license at his or her own discretion.12. The Municipality licenses the road allowance(s) at \$ 50.00 per year, per application, except for Isolated Access Roads.13. If any conflict arises between adjacent landowners of the road allowance at any time during the process or after the road is licensed, and if attempts by the landowners to negotiate a reasonable solution are unsuccessful, the Municipality may cancel the license upon serving thirty-days' notice of its intention to do so.
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	<p>14. A license holder does not have the right to bar entry to anyone wishing to travel the road allowance or use the road as access.</p> <p>15. Road allowance agreements may be transferred to a family member, or another Industrial/ Commercial user as an administrative change, as long as the following requirements are met: There is an existing bylaw and the applicant has title to adjacent lands. If there is not an existing bylaw, the family member or other Industrial/ Commercial user will have to follow all steps of the process as a new applicant.</p> <p>16. Upon final approval by the CAO, licensees using the road allowance for grazing livestock or an Isolated Access Road must provide liability insurance of no less than \$2,000,000 during the term of the license and erect signage indicating the road allowance may contain livestock at large, in a form and at locations as approved by the Municipality, if applicable.</p> <p>17. Upon final approval by the CAO, licensees using the road allowance for Industrial or Commercial use must provide liability insurance of no less than \$5,000,000 during the term of the license.</p>
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