



BYLAW C-8316-2022

A bylaw of Rocky View County, in the Province of Alberta, to provide for the issuance of licences or permits for the temporary occupation or use of undeveloped municipal road allowances.

WHEREAS pursuant to section 7 of the *Municipal Government Act*, the Council of a municipality may pass bylaws for municipal purposes respecting, among other things:

- (a) the safety, health, and welfare of people and the protection of people and property;
- (b) people, activities, and things in, on, or near a public place or place that is open to the public;
- (c) transport and transportation systems; and
- (d) the enforcement of such bylaws, including the creation of offences, the imposition of fines and imprisonment, the ability to conduct inspections and remedying contraventions of bylaws;

AND WHEREAS pursuant to section 18 of the *Municipal Government Act*, a municipality has the direction, control, and management of all roads within the municipality;

AND WHEREAS pursuant to section 13(1)(o) of the *Traffic Safety Act*, the Council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with the *Traffic Safety Act*, authorizing the municipality to issue a licence or permit for the temporary occupation or use of a road allowance or highway or a portion of a road allowance or highway when it is not required for public use;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as the *Road Licencing Bylaw*.

Definitions

- 2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this bylaw.

Purpose

- 3 The purpose of this bylaw is to provide for the issuance of licences of occupation for the temporary occupation or use of undeveloped County road allowances.

Application for Licence of Occupation

- 4 A person wishing to occupy or use, or cause or permit the occupation or use of, an undeveloped County road allowance, in whole or in part, must:



- (1) submit an application to the Chief Administrative Officer, in the form prescribed and with the information required by the County from time to time; and
- (2) pay a non-refundable application fee in the amount established by the *Master Rates Bylaw*.

5 Upon receipt of a complete application, the Chief Administrative Officer may:

- (1) issue a licence of occupation in a form and on terms and conditions that the Chief Administrative Officer determines appropriate, which may include but are not limited to the following requirements:
 - (a) entering into a licence of occupation agreement with Rocky View County in a form and on terms and conditions satisfactory to Rocky View County in its discretion, which shall be incorporated into and form a part of the licence of occupation;
 - (b) obtaining and maintaining adequate insurance coverage, in an amount and form and on terms and conditions satisfactory to Rocky View County in its discretion, with respect to the use and occupation of the undeveloped County road allowance; and
 - (c) providing security to Rocky View County, in an amount and form and on terms and conditions satisfactory to the County in its discretion, to secure compliance with the requirements of this bylaw and any licence of occupation issued pursuant to this bylaw.
- (2) refuse to issue the licence of occupation if, in the opinion of the Chief Administrative Officer, the use or occupation of the undeveloped County road allowance is not consistent with the public interest, or does not comply with the requirements of this bylaw or any other policy or procedure established by Rocky View County with respect to the use and occupation of undeveloped County road allowances from time to time; or
- (3) suspend or terminate a licence of occupation that has been issued pursuant to section 16 of this bylaw.
- (4) without limitation to the requirements of Section 13(1)(o) of the *Traffic Safety Act*, any licence of occupation issued by Rocky View County pursuant to this bylaw shall contain a clause enabling the County to terminate the licence of occupation on 60 days' written notice in the event the undeveloped County road allowance, or any portion thereof, is required for municipal purposes

Licence of Occupation Criteria

6 A licence of occupation will not be issued unless the following criteria have been met:

- (1) the applicant is the registered owner or occupant of lands located immediately adjacent to the undeveloped County road allowance, or has an interest in lands adjacent to the undeveloped County road allowance which in the opinion of the Chief Administrative Officer warrants the issuance of a licence of occupation with respect to same;
- (2) all required application fees have been paid;



- (3) the proposed use or occupation of the undeveloped County road allowance is for one of the following purposes:
 - (a) grazing or cultivation of an undeveloped County road allowance; or
 - (b) providing access via an existing driveway to the lands owned or occupied by the applicant and located immediately adjacent to the undeveloped County road allowance.

7 A licence of occupation issued pursuant to this bylaw shall be only for non-exclusive use of the undeveloped County road allowance that is the subject of the licence of occupation, but may limit use of the undeveloped County allowance road to pedestrian traffic and/or use by farm equipment. A licence of occupation shall not prevent or restrict pedestrian access to the undeveloped County road allowance that is the subject of the licence of occupation.

8 In addition to the non-refundable application fee payable under section 4(2) of this bylaw, an applicant will be required to pay a licencing fee in the amount established in the *Master Rates Bylaw*.

9 Licences of occupation issued pursuant to this bylaw are non-transferrable and may not be transferred or assigned without Rocky View County’s prior written consent, which may be withheld by Rocky View County in its discretion.

Authority of Rocky View County and Chief Administrative Officer

10 Where this bylaw grants a discretion or authority to approve to Rocky View County or the Chief Administrative Officer, Rocky View County or the Chief Administrative Officer shall have sole and unfettered discretion in that regard.

11 Without restricting any other power, duty, or function granted by this bylaw, the Chief Administrative Officer may:

- (1) carry out any inspections necessary to determine compliance with this bylaw;
- (2) take any steps or carry out any actions required to enforce this bylaw;
- (3) take any steps or carry out any actions required to remedy a contravention of this bylaw; and
- (4) establish a licence of occupation agreement for the purposes of this bylaw.

Offences and Enforcement

12 A person to whom a licence of occupation has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted, or prohibited by this bylaw pursuant to a licence of occupation, shall comply with any terms or conditions forming part of the licence of occupation.

13 An applicant shall not make any false or misleading statements or provide any false or misleading information to obtain a licence of occupation pursuant to this bylaw.



- 14 The Chief Administrative Officer may suspend or terminate a licence of occupation, effective immediately, if:
- (1) any term or condition of a licence of occupation or licence of occupation agreement is contravened; or
 - (2) a false or misleading statement was made, or false or misleading information provided, at the time of application.
- 15 The onus of proving a licence of occupation has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this bylaw is on the person alleging the existence of the licence of occupation.
- 16 The Chief Administrative Officer or their designate is a designated officer for the purposes of:
- (1) conducting inspections to determine whether this bylaw has been complied with and undertaking enforcement measures in accordance with section 542 of the *Municipal Government Act*; and
 - (2) issuing orders to remedy regarding contraventions of this bylaw pursuant to section 545 of the *Municipal Government Act*.
- 17 Nothing in this bylaw or any action taken pursuant to this bylaw shall in any way restrict, limit, or preclude Rocky View County from pursuing any other remedy in relation to a contravention of this bylaw that may be provided by the *Municipal Government Act* or from exercising its contractual remedies pursuant to a licence of occupation agreement.

Severability

- 18 If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

Effective Date

- 19 Bylaw C-8316-2022 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



READ A FIRST TIME this 12 day of July, 2022

READ A SECOND TIME this _____ day of _____, 2022

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2022

READ A THIRD AND FINAL TIME this _____ day of _____, 2022

Mayor

Chief Administrative Officer

Date Bylaw Signed



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Schedule 'A' – Definitions

- 1 **“Applicant”** means a person who applies for a licence of occupation pursuant to this bylaw.
- 2 **“Application”** means an application for a licence of occupation pursuant to this bylaw.
- 3 **“Chief Administrative Officer”** means the Chief Administrative Officer of Rocky View County pursuant to the *Municipal Government Act* or their authorized delegate.
- 4 **“County”** means Rocky View County.
- 5 **“Council”** means the duly elected Council of Rocky View County.
- 6 **“Licence of occupation”** means a licence of occupation issued pursuant to this bylaw.
- 7 **“Master Rates Bylaw”** means the Rocky View County *Master Rates Bylaw*, as amended, or replaced from time to time.
- 8 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced from time to time.
- 9 **“Pedestrian”** means a person on foot.
- 10 **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- 11 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended or replaced from time to time.
- 12 **“Undeveloped County road allowance”** means any land located in Rocky View County dedicated as a road right-of-way under the direction, control and management of Rocky View County that has not been fully developed and is not required for vehicular traffic.