

8. UNDEVELOPED ROAD ALLOWANCE LICENSES

Policy Statement:

Mountain View County may license the use of undeveloped road allowances.

Regulations:

1. Only landowners adjacent to the undeveloped road allowance may be licensed to use the road allowance.
2. Licensed road allowances may be gated but shall not be fenced or locked so as to prevent access.
3. Mountain View 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 in the areas for which this license has been issued.
4. Licenses are issued subject to continued use of the road allowance by such agencies as may be permitted by present and future legislation.
5. The license holder must carry out all operations on the right of way in such a manner that no hazard to right of way traffic will exist, due to the said operations.
6. The Licensee shall be responsible for weed control on the right-of-way to the satisfaction of the County.
7. In consideration of the County's granting the license the licensee agrees to indemnify and save harmless Mountain View County of and from any claims or demands arising from the operations on the right of way.
8. The placement of buildings or equipment is strictly prohibited.
9. Licenses are subject to cancellation upon three (3) months written notice by the County or the Minister of Transportation and Utilities, or the Licensee.
10. Licenses are issued for a period not exceeding three years. A license entered into part way through a year will be considered as a full year and will be charged the full year fee.
11. Licenses will be approved by County administration based on the recommendation of the local Councilor.
12. Licenses may be renewed upon expiry for a further three year term by County administration.
13. When Adjacent landowners cannot agree as to who should receive the license, the road allowance may be divided between the two adjacent landowners; the adjacent landowners

**SECTION F
GENERAL (8)**

must be in agreement regarding responsibility for building the fence to County standards before such a license is issued.

Approved: May 26, 1999

Amended: July 28, 1999: Added Clause 6

April 23, 2003: Added Regulation 13 and Changed Procedure 7

**SECTION F
GENERAL (8)**

Procedures:

1. Requests to use a road allowance shall be made in writing to Mountain View County.
2. A copy of the request will be forwarded to the local Councillor for comment and recommendation.
3. If recommended by the local Councillor, an Undeveloped Road Allowance License Agreement will be entered into by the County and the applicant/landowner.
4. Payment of the license fee must be received prior to granting a license agreement.
5. License fees will be charged at a rate determined by Council and contained in the County Fee Schedule.
6. Licenses may be renewed by Administration for a further three-year period at the expiry of a license period.
7. When adjacent landowners cannot agree as to who should receive the license and the intent is for the adjacent landowners to share the road allowance, the following procedures shall apply:
 - a) A letter will be forwarded to the County and jointly signed by both adjoining landowners advising the County as to which landowner will be responsible for placing the fence and how the costs will be shared.
 - b) One of the adjacent landowners shall notify the County when the fence has been constructed.
 - c) The Public Works Department will inspect the fence to ensure it will be suitable to the needs of both landowners and will provide the landowners with a letter advising whether the fence is acceptable to the County.
 - d) The license will be issued when the County is satisfied a proper fence has been constructed.
 - e) All costs associated with the fence, including any survey costs, will be paid for by the adjacent landowners.
 - f) In the event that the fence needs to be replaced at some future point due to road construction, the fence will be removed by the County and will be replaced as per County policy on both sides of the road.
 - g) All of the other regulations and procedures pertaining to Undeveloped Road Allowance Licenses apply in these situations.