

<b>POLICY #:</b>	<b>PD 023</b>	<b>POLICY TITLE:</b>	<b>Road Closures</b>
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<b>APPROVAL DATE AND MOTION:</b>		<b>CROSS-REFERENCE:</b>	Municipal Government Act Sections 22-26
<b>RESPONSIBILITY:</b>	Planning & Community Services	<b>APPENDICES:</b>	
<b>APPROVER:</b>	Council	<b>EFFECTIVE DATE:</b>	Feb 27/24
<b>REVISION DATE(S)/ MOTION #</b>		<b>NEXT REVIEW DATE:</b>	

## 1. DEFINITIONS

- 1.a. **CAO** means the person appointed as Chief Administrative Officer of the County of Vermilion River from time to time or their designate.
- 1.b. **Council** means the whole of the elected officials for the County of Vermilion River in the Province of Alberta.
- 1.c. **County** means the County of Vermilion River (the “County”).
- 1.d. **Dominion Land Survey** means the method that was used to divide most of western Canada into one-square-mile sections for agricultural or other purposes.
- 1.e. **Forced Road** means an existing road, developed or not, on private land, that has been surveyed to get around an obstacle that prevents the road from being build on the surveyed public road allowance.
- 1.f. **Land and Property Rights Tribunal** means a quasi-judicial tribunal that makes decisions about land use planning, development, right of entry, compensation and assessment matters.
- 1.g. **MGA** means the *Municipal Government Act* including amendments made thereto.
- 1.h. **Private Land** means land that is not owned by the Crown in right of Alberta or of Canada or their agents.

- 1.i. **Road** means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road.
- 1.j. **Fee Bylaw** means the current Bylaw, passed by Council, amended from time to time, that regulates the fees established in respect to specific administrative goods / services provided by the County to individuals or organisations.
- 1.k. **Undeveloped Road Allowance**, as defined under Policy PD 020 (Licensing of Municipal Road Allowances), means any land dedicated as a road right of way that has not been fully developed or required for vehicular traffic and is not regularly maintained by the County as a developed municipal road. The right of way may or may not be shown as a road plan of survey that has been filed or registered in a Land Titles office.

## 2. POLICY STATEMENT

- 2.a. To administer and manage the disposal of undeveloped or unnecessary road allowances in the County in a fair and consistent manner.

## 3. OBJECTIVE

- 3.a. To evaluate the disposal of any unnecessary or redundant road allowance right-of-way(s) in a manner that is consistent with legislation and legal requirements.

## 4. BACKGROUND

- 4.a. Under the MGA the County has the jurisdiction to direct, control and manage all roads in the municipality. This means that the use of any County Road or road allowance, for any purpose, is under the jurisdiction of the County, whether a physical road has been built in the road allowance or not.
- 4.b. There are three (3) types of closure that can be completed;
  - 4.b.i. Road closure by Bylaw, Section 22 of the MGA
  - 4.b.ii. Road Closure by Resolution, Section 24 of the MGA.

- 4.b.iii. Road Closure by Ministerial Order, Section 38(1) and 38.1 of the *Highways Development and Protection Act*.
- 4.c. A Temporary road closure in whole or in part may be completed if the road creates a hazard (i.e. road construction).
- 4.d. A road may be evaluated for closure in response to an application request from a landowner adjacent to the subject road or may be initiated by the County.

## 5. GUIDING PRINCIPLES

- 5.a. Closing regular grid roads surveyed by the Dominion Land Survey (*Section 22 of the MGA*)
  - 5.a.i. No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.
  - 5.a.ii. A bylaw closing a road must be advertised.
  - 5.a.iii. Before passing a bylaw closing a road, a person who claim to be affected unjustly by the bylaw or that person's agent will be given the opportunity to present to Council during a public engagement or hearing on a determined date and time by Council.
- 5.b. Compensation (*Section 23 of the MGA*)
  - 5.b.i. Any person who occupies, owns or has an interest in land that sustains damages through the closing of a road by bylaw must be compensated for damages.
  - 5.b.ii. If the municipality is not able to agree with the claimant on the amount of compensation, the compensation must be determined by the Land and Property Rights Tribunal.
- 5.c. Closure of Forced Roads (*Section 24 of the MGA*)
  - 5.c.i. The Council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of road described in a surveyed road plan that the Council determines is no longer required for use by the travelling public owing to the existence of an alternate route.
- 5.d. Temporary Road Closure (*Section 25 of the MGA*)
  - 5.d.i. A Council by resolution or a designated officer if authorized by resolution of the Council may temporarily close the whole or part

of a road at any time that a construction or maintenance project to the road may create a hazard.

## 6. ROLES & RESPONSIBILITIES

ROLE/TASK	TITLE(S) OF PERSON RESPONSIBLE
<b>HANDLING INQUIRIES</b>	Director of Planning & Community Services
<b>MONITORING REVIEWS AND REVISIONS</b>	Director of Planning & Community Services in conjunction with the Executive Secretary
<b>IMPLEMENTING POLICY</b>	Council
<b>COMMUNICATING POLICY</b>	Chief Administrative Officer
<b>INTERNAL STAKEHOLDERS</b>	Administration, Council
<b>EXTERNAL STAKEHOLDERS</b>	Ratepayers