

**TOWN OF THORSBY  
BYLAW #2018-09**

BEING A BYLAW OF THE TOWN OF THORSBY, PROVINCE OF ALBERTA FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF PERMITS FOR THE TEMPORATION OCCUPATION OR USE OF AN UNDEVELOPED ROAD

WHEREAS the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6, Section 13(1)(o) provides that Council may make a bylaw authorizing the municipality to issue a licence or permit that is terminable on 30 days' notice in writing 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, be it resolved that the Town of Thorsby Council, in the Province of Alberta, does hereby authorize the Chief Administrative Officer or his or her designate to issue permits for the temporary occupation or use of undeveloped road allowances on the terms and conditions set out herein.

1. This By-law shall be cited as "The Road Allowance Permit By-law."
2. Definitions:
  - a. "Applicant" means any person, including a corporation, seeking a Road Allowance Permit in accordance with this By-law.
  - b. "CAO or designate" means the person appointed as Chief Administrative Officer of the Town by Council, or the person designated by the Chief Administrative Officer to act on his or her behalf.
  - c. "Town" means Town of Thorsby
  - d. "Policy" means the Licensing of Undeveloped Road Allowance Policy approved by the CAO.
  - e. "Road Allowance Permit" means a temporary license authorizing the occupation or use of an undeveloped Town road allowance, which:
    - i. Shall be terminable by the Town at any time on 30 days' notice in writing;
    - ii. Shall require as a term of the permit that the Applicant indemnify and save harmless the Town from and against all actions and claims for damage arising from use or occupation of the road allowance, and that the Applicant releases the Town from any and all liability arising from any bodily injury or property damage arising from such use or occupation;
    - iii. May require the Applicant at its own cost to erect signage, gates, fencing or other structures to ensure public safety; and
    - iv. May contain such other terms and conditions as deemed appropriate by the CAO.
3. The CAO is authorized to issue a Road Allowance Permit in accordance with this By-law and the Policy in response to an application by an Applicant seeking to occupy or use for any purpose all or any portion of a road allowance within the Town.
4. An Applicant may apply for a Road Allowance Permit by providing the information identified in the Policy, in the form required by the CAO.

5. Every Road Allowance Permit, unless earlier terminated or revoked by the Town, shall expire on December 31 of the calendar year in which the Road Allowance Permit was granted.
6. Road Allowance Permits may not be transferred or assigned, in whole or in part, to any person other than in accordance with the Policy.
7. The issuance of a Road Allowance Permit shall not relieve the Applicant of any obligation to obtain any required development permit or license for any proposed use, or otherwise relieve the Applicant of its obligation to comply with all Town By-laws or other applicable laws.
8. The CAO may revoke any Road Allowance Permit given if:
  - a. The Applicant fails to comply with the terms of the Road Allowance Permit which is granted or with the Policy; or
  - b. The CAO is of the opinion that the Road Allowance Permit was given in error or on the basis of false or inaccurate information.
9. Nothing contained in this By-law shall prevent the CAO from refusing to issue a Road Allowance Permit if, in the opinion of the CAO, issuing a Road Allowance Permit is not in the best interest of the Town.

READ A FIRST TIME this 27<sup>th</sup> day of November, 2018

READ A SECOND TIME this 27<sup>th</sup> day of November, 2018

READ A THIRD AND FINAL TIME this 11<sup>th</sup> day of December, 2018



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Rod Raymond, Mayor



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Christine Burke, C.A.O.

December 11, 2018  
Dated Adopted