

**BYLAW 926-P-01-26
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF TOWN OF COALDALE
FOR THE PURPOSE OF ISSUING LICENSES OR PERMITS
FOR THE TEMPORARY OCCUPATION OR USE OF UNDEVELOPED
MUNICIPAL ROAD ALLOWANCES**

WHEREAS the *Municipal Government Act*, RS.A. 2000, c. M-26 Provides that a council may pass bylaws for municipal purposes respecting the following matters:

- 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 bylaws made under this or any other enactment, 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 Town of Coaldale, duly assembled, enacts as follows:

1.0 Title

- 1.1 This Bylaw may be cited as the "Road Licensing Bylaw".

2.0 Purpose

- 2.1 This Bylaw is to provide for the issuance of licenses of occupation for the temporary occupation or use of Undeveloped Road Allowances.

3.0 Definitions

Unless otherwise specified, the words used in this Bylaw have the same meaning as defined in the *Municipal Government Act* and its Regulations.

- 3.1 **"Chief Administrative Officer" or "CAO"** means the Chief Administrative Officer of the Town pursuant to the *Municipal Government Act*, or their

authorized delegate.

- 3.2 **"Council"** means the duly elected Council of Town of Coaldale.
- 3.3 **"Fees and Rates Bylaw"** means the Town of Coaldale *Fees and Rates Bylaw*, as amended, or replaced from time to time.
- 3.0 **"Licence of Occupation"** means a Licence of Occupation issued pursuant to this Bylaw.
- 3.1 **"Licensee"** means a person, corporation, company, or entity to whom a Licence of Occupation has been granted or issued pursuant to this Bylaw.
- 3.2 **"Municipal Government Act"** means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced from time to time. **"Town"** or **"Town of Coaldale"** means the municipal corporation of Town of Coaldale and includes and the geographical area within the jurisdictional boundaries of Town of Coaldale, as the context requires.
- 3.3 **"Traffic Safety Act"** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended or replaced from time to time.
- 3.4 **"Undeveloped Road Allowance"** means any land located in Town of Coaldale dedicated as a road or road right-of-way under the direction, control and management of Town of Coaldale that has not been fully developed and is not required for public use.

4.0 **Application for Licence of Occupation**

- 4.1 A person wishing to occupy or use, or cause or permit the occupation or use of, an Undeveloped Road Allowance, in whole or in part, must:
 - 1) submit an application to the Town, in the form prescribed and with the information required by the Town from time to time; and
 - 2) pay an application fee in the amount established by the Fees and Rates Bylaw (if any), which application fee shall be refunded in the event that the application for a Licence of Occupation is denied by the Town.
- 4.2 Upon receipt of a complete application, the CAO acting alone may:
 - 1) issue a Licence of Occupation in a form and on terms and conditions that the CAO determines appropriate, which may include but are not limited to the following requirements:
 - a) entering into a Road Licence Agreement or Encroachment Agreement with Town of Coaldale in a form and on terms and conditions satisfactory to and at the discretion of the CAO, which shall be incorporated into and form a part of the License

of Occupation; and

- b) obtaining and maintaining adequate insurance coverage, in an amount and form and on terms and conditions satisfactory to and at the discretion of the CAO, with respect to the use and occupation of the Undeveloped Road Allowance; and
 - c) providing security to Town of Coaldale, in an amount and form and on terms and conditions satisfactory to and at the discretion of the CAO, to secure compliance with the requirements of this Bylaw and any Licence of Occupation issued pursuant to this Bylaw; or
- 2) refuse to issue the Licence of Occupation if, in the opinion of the CAO, the use or occupation of the Undeveloped 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 the Town from time to time with respect to the use and occupation of Undeveloped Road Allowances.

5.0 Licence of Occupation Criteria

- 5.1 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 Road Allowance, or has an interest in lands immediately adjacent to the Undeveloped Road Allowance which in the opinion of the CAO 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 does not materially conflict with or interfere with the uses of the Undeveloped Road Allowance or adjacent lands;
 - 4) the proposed use or occupation does not restrict or prohibit access to adjacent lands;
 - 5) the proposed use or occupation of the Undeveloped Road Allowance is acceptable to the Town in the sole discretion of the Town.
- 5.2 A Licence of Occupation issued pursuant to this Bylaw shall grant only non-exclusive use of the Undeveloped Road Allowance that is the subject of the Licence of Occupation.

- 5.3 Without limitation to the requirements of Section 13(1)(0) of the *Traffic Safety Act*, any Licence of Occupation issued by Town of Coaldale pursuant to this Bylaw is terminable by the Town on 30 days' written notice in the event the Undeveloped Road Allowance, or any portion thereof, is, at the sole discretion of the Town, required for municipal purposes.

6.0 Authority of Town and Chief Administrative Officer

- 6.1 Where this Bylaw grants a discretion or authority to act to the Town or the CAO, the Town or the CAO shall have sole and unfettered discretion in that regard.
- 6.2 Without restricting any other power, duty, or function granted by this Bylaw, the CAO 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 Road Licence Agreement and/or Encroachment Agreement for the purposes of this Bylaw.

7.0 Offences and Enforcement

- 7.1 A Licensee 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.
- 7.2 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.
- 7.3 The CAO may suspend or terminate a Licence of Occupation, effective immediately, if:
- 1) any term or condition of a Licence of Occupation issued pursuant to this Bylaw or a Road Licence Agreement or Encroachment Agreement is contravened; or
 - 2) a false or misleading statement was made, or false or misleading information provided, at the time of application; or
 - 3) a conflict arises and is brought to the attention of the Town, between the Licensee's use of the Undeveloped Road Allowance and the

owners of lands adjacent to the Undeveloped Road Allowance; or

- 4) any unauthorized improvements, aggregates, contaminants, pollutants, or other materials are constructed, placed, deposited, installed, or erected upon the Undeveloped Road Allowance; or
- 5) any unauthorized removal of aggregates, soils, or other materials from the Undeveloped Road Allowance occurs; or
- 6) any damages occur to the Undeveloped Road Allowance, excluding the authorized cultivation of the Undeveloped Road Allowance; or
- 7) any damages occur to the lands adjacent to the Undeveloped Road Allowance as a result of the Licensee's use of the Undeveloped Road Allowance.

7.4 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.

7.5 The CAO or their delegate 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 contraventions of this Bylaw pursuant to section 545 of the *Municipal Government Act*.

7.6 Nothing in this Bylaw or any action taken pursuant to this Bylaw shall in any way restrict, limit, or preclude the Town 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 any agreement.

8.0 Severability

8.1 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.

9.0 Effective Date

9.1 This Bylaw shall come into force upon the date of the passing and of the third and final reading thereof.

READ a FIRST time this 12th day of January, 2026, for Road Licensing Bylaw 926-P-01-26.

Mayor – Jack Van Rijn
Motion: 4-2026

CAO – Kalen Hastings

READ a SECOND time this 12th day of January, 2026, for Road Licensing Bylaw 926-P-01-26.

Mayor – Jack Van Rijn
Motion: 5-2026

CAO – Kalen Hastings

UNANIMOUS CONSENT to hold all THREE READINGS in one meeting, for Road Licensing Bylaw 926-P-01-26, this 12th day of January, 2026.

Mayor – Jack Van Rijn
Motion: 6-2026

CAO – Kalen Hastings

READ a THIRD and FINAL time this 12th day of January, 2026, for Road Licensing Bylaw 926-P-01-26.

Mayor – Jack Van Rijn
Motion: 7-2026

CAO – Kalen Hastings