BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ISSUING LICENSES OR PERMITS FOR THE TEMPORARY OCCUPATION OR USE OF 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;

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

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 Town of Westlock Council enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

2.1. **"Chief Administrative Officer" or "CAO"** means the Chief Administrative Officer for Town of Westlock pursuant to the *Municipal Government Act,* or their authorized delegate.

2.2. **"Council"** means the duly elected Council of Town of Westlock.

2.3. **"Fees and Rates Bylaw"** means the Town of Westlock *Fees and Rates Bylaw,* as amended, or replaced from time to time.

2.4. **"License of Occupation"** means a License of Occupation issued pursuant to this Bylaw.

2.5. **"Licensee"** means a person, corporation, company, or entity to whom a License of Occupation has been granted or issued pursuant to this Bylaw.

2.6. ***"Municipal Government Act"*** means the *Municipal Government Act,* RSA 2000, c. M-26, as amended or replaced from time to time.

2.7. **"Municipality"** means the municipal corporation of the Town of Westlock and includes and the geographical area within the jurisdictional boundaries of the Municipality, as the context requires.

2.8. ***"Traffic Safety Act"*** means the *Traffic Safety Act,* RSA 2000, c T-6, as amended or replaced from time to time.

2.9. **"Road Allowance"** means any land located in the Municipality dedicated as a road or road right-of-way under the direction, control and management of the Municipality.

3. PURPOSE

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

4. APPLICATION FOR LICENSE OF OCCUPATION

4.1. A person wishing to occupy or use, or cause or permit the occupation or use of, a Road Allowance, in whole or in part, must:

a) submit an application to the Municipality, in the form prescribed and with the information required by the Municipality from time to time; and

b) 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 License of Occupation is denied by the Municipality.

4.2. Upon receipt of a complete application, the CAO may:

a) issue a License 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:

i. entering into a Road License Agreement or Encroachment Agreement with the Municipality 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;

ii. 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 Road Allowance; and

iii. providing security to the Municipality, 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 License of Occupation issued pursuant to this Bylaw; or

b) refuse to issue the License of Occupation if, in the opinion of the CAO, the use or occupation of the 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 Municipality from time to time with respect to the use and occupation of Road Allowances.

5. LICENCE OF OCCUPATION CRITERIA

5.1. A License of Occupation will not be issued unless the following criteria have been met:

a) the applicant is the registered owner or occupant of lands located immediately adjacent to the Road Allowance, or has an interest in lands immediately adjacent to the Road Allowance which in the opinion of the CAO warrants the issuance of a License of Occupation with respect to same;

b) all required application fees have been paid;

c) the proposed use or occupation does not materially conflict with or interfere with the uses of the Road Allowance or adjacent lands;

d) the proposed use or occupation does not restrict or prohibit access to

adjacent lands;

e) the proposed area of occupation of the Road Allowance is not currently required or expected to be required for municipal purposes;

f) the proposed use or occupation of the Road Allowance is acceptable to the Municipality in the sole discretion of the Municipality.

5.2. A License of Occupation issued pursuant to this Bylaw shall grant only non-exclusive use of the Road Allowance that is the subject of the License of Occupation.

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

6. AUTHORITY OF MUNICIPALITY AND CHIEF ADMINISTRATIVE OFFICER

6.1. Where this Bylaw grants a discretion or authority to act to the CAO, 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:

a) carry out any inspections necessary to determine compliance with this Bylaw;

b) take any steps or carry out any actions required to enforce this Bylaw;

c) take any steps or carry out any actions required to remedy a contravention of this Bylaw; and

d) establish a Road License Agreement and/or Encroachment Agreement for the purposes of this Bylaw.

7. 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 License of Occupation, shall comply with

any terms or conditions forming part of the License of Occupation.

7.2. An applicant shall not make any false or misleading statements or provide any false or misleading information to obtain a License of Occupation pursuant to this Bylaw.

7.3. The CAO may suspend or terminate a License of Occupation, effective immediately, if:

a) any term or condition of a License of Occupation issued pursuant to this Bylaw or a Road License Agreement or Encroachment Agreement is contravened; or

b) a false or misleading statement was made, or false or misleading information provided, at the time of application; or

c) a conflict arises and is brought to the attention of the Municipality, between the Licensee's use of the Road Allowance and the owners of lands adjacent to the Road Allowance; or

d) any unauthorized improvements, aggregates, contaminants, pollutants, or other materials are constructed, placed, deposited, installed, or erected upon the Road Allowance; or

e) any unauthorized removal of aggregates, soils, or other materials from the Road Allowance occurs; or

f) any damages occur to the Road Allowance, excluding the authorized cultivation of the Road Allowance; or

g) any damages occur to the lands adjacent to the Road Allowance as a result of the Licensee's use of the Road Allowance.

7.4. The onus of proving a License 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 License of Occupation.

7.5. The CAO or their delegate is a Designated Officer for the purposes of:

a) 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

b) issuing orders to remedy regarding 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 Municipality 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. 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. EFFECTIVE

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 8th day of June 2026

READ a second time this 8th day of June 2026

Unanimous Consent for third and final reading this 8th day of June 2026

READ a third and final time and passed this 8th day of June 2026

Signed by Mayor and CAO this 8 day of June 2026

Jon Kramer, MAYOR

for Simone Wiley, CAO
Danielle Bugher, Director of Planning & Development (Acting CAO)