

**UTILIZATION OF UNOPENED ROAD ALLOWANCE
APPLICATION FORM**

Name of Applicant: _____

Address: _____

Telephone: _____ **FAX:** _____

Location of Road Allowance: _____

Reason for Application: _____

Duration: From _____ To _____

Details of Work Proposed on Road Allowance: _____

Are Boundaries of Road Allowance Surveyed, Marked or Easily Determined?:

Drainage or Wetlands Affected: _____

Signature of Applicant

Date

**THE CORPORATION OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA**

POLICY #1

DIVISION: Roads

PURPOSE

The purpose of this policy is to establish a formal policy and procedure for dealing with requests to utilize unopened road allowances within the municipality.

POLICY STATEMENT

The municipality will consider requests to utilize unopened road allowances on a case by case basis and having regard to the intended use and purpose of the request. Such a request may or may not be approved at the discretion of the municipality. While the public has the right to use unopened road allowances for travel and transportation in their natural state, any improvements to them must be approved by Council by by-law.

PROCEDURE

Any person requesting the right to make improvements to any unopened road allowance must complete an application form designed for this purpose.

The application will be reviewed and evaluated by municipal staff. Staff will then provide a recommendation to Council as whether the application should be approved or not.. In considering the request staff will have regard to the intended purpose or use of the unopened road allowance.

If approval is recommended, any or all of the following conditions may be imposed. Other conditions could also be required.

- 1) Requirement for the applicant to conduct a legal survey to determine the boundaries of the road allowance.
- 2) Notification to adjoining landowners and various agencies or authorities.
- 3) Requirement for the applicant to indemnify the municipality from any claims, damages, costs or losses arising out of use of the road allowance by the applicant.
- 4) Restrictions on the method of removal of any trees, road construction, clearing width, removal and disposal of stumps and other debris, considering of any drainage or environmental issues.

- 5) Requirement for the applicant to provide liability insurance.
- 6) Time restrictions on use.
- 7) Requirement for restoration after use (eg. planting of trees).
- 8) Determination as to whether the proposed use or project is subject to the provisions of the Environment Assessment Act, R.S.O. 1990.
- 9) Posting of signage to indicate that the road is not assumed by the municipality and persons using it do so at their own risk.
- 10) Requirement for a bond or letter of credit to ensure proper completion of any work required by the municipality.

Upon receipt of the recommendation of staff, Council will express their decision by resolution. A formal agreement granting approval and outlining the conditions of approval will then be prepared and adopted by Council by by-law.

THE CORPORATION OF THE MUNICIPALITY
OF NORTHERN BRUCE PENINSULA

BY-LAW 2001-61

BEING A BY-LAW TO ADOPT A POLICY RELATING TO USE OF UNOPENED
ROAD ALLOWANCES.

WHEREAS the Municipality of Northern Bruce Peninsula receives requests from time to time
to utilize unopened road allowances;

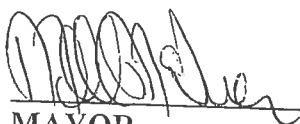
AND WHEREAS it is deemed desirable to establish a formal policy and procedure for dealing
with such requests;

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce
Peninsula enacts as follows:

1. That Schedule "A" attached hereto and forming part of this by-law be and is hereby
adopted as a policy of the Municipality of Northern Bruce Peninsula relating to requests
to utilize unopened road allowances.
2. That this by-law shall come into force and take effect upon the final passing thereof by
the Council of the Corporation of the Municipality of Northern Bruce Peninsula.

READ A FIRST AND SECOND TIME THIS 26TH DAY OF NOVEMBER, 2001.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 26TH DAY
OF NOVEMBER, 2001.


MAYOR


CLERK-ADMINISTRATOR