

Developed Road Allowance Brush and Vegetation Control Policy

5A.016

Section: 5.0 Environmental and Protective Services
- A. Agricultural Services

Authority: General Manager of Environmental and Protective Services

Statement

The Municipal District of Bonnyville (M.D.) is the road authority responsible for the direction, control, and management of all roads within M.D. boundaries. Regular roadside brush and vegetation control helps ensure a high level of visibility, supports adequate drainage, prevents noxious weeds from spreading, and allows for easier snow removal and general maintenance.

Purpose

To establish the municipality's strategy pertaining to brush and vegetation control along developed road allowances within M.D. boundaries.

Definitions

For the purposes of this policy:

- (1) "Council" means the duly elected Council of the Municipal District of Bonnyville;
- (2) "Brush" means trees and shrubs 15 centimeters in diameter or larger;
- (3) "Noxious Weeds" means weeds designated as such pursuant to the *Weed Control Act* (Alberta) and regulations enacted thereunder;
- (4) "Brushing" means the mechanical removal of trees and shrubs by way of cutting and/or mulching;
- (5) "Spraying" means the chemical removal of trees, shrubs, and weeds using a registered herbicide at the recommended rates;
- (6) "Riparian" means shorelines, steep slopes and drainage ditches, as well as environmentally sensitive areas.

Policy

It is the policy of the M.D. that a 20-year plan be in place for road allowance brush and vegetation control. This 20-year plan will be evaluated and updated, if required, annually taking into consideration such factors as safety, cost and budget, ecological function, aesthetics, long-range road network upgrade plans, and legislative and regulatory requirements.

(1) **Brushing**

The M.D. will schedule brushing annually based on a pre-determined maintenance schedule with the exception of areas that are deemed a priority by the General Manager of Environmental and Protective Services, or his/her designate.

- (a) All landowners along scheduled brushing routes will be notified in writing prior to work commencing.

- (i) Included with each notification will be a *Property Brushing Request (Attachment B)* giving the landowners an opportunity to request additional brushing on their property on a cost recovery basis. The deadline for submitting this request will be specified in the notification letter.
 - (ii) When access to and use of private property by the M.D. is seen as beneficial for the purpose brush control and clean-up, a Property Access Request Form (*Attachment D*) shall be presented to the landowner. If access is denied, brushing and associated cleanup will not extend into the private property.
 - (iii) If a landowner objects to the proposed brushing they must contact the Environmental and Protective Services Department. The Agriculture Fieldman, or his/her designate, will then schedule a meeting with the landowner regarding the proposed brushing and their concerns. The final decision will be left to the General Manager of Environmental and Protective Services, or his/her designate.
- (b) Priorities for brushing will be as follows:
- (i) Unobstructed access for emergency vehicles (ambulance/police/fire/peace officers);
 - (ii) Improvement of sightlines;
 - (iii) Improvement of drainage of surface water from road surface;
 - (iv) Improvement of accessibility for snow clearing equipment;
 - (v) Mitigation of snow drifting;
 - (vi) Mitigation of icing conditions caused by tree shading across roadways;
 - (vii) Reduction in incidence of vehicle-animal impacts;
 - (viii) Reduction of deadfall on roads; and
 - (ix) Soft roads and low-lying areas during winter season.
- (c) If requested by the landowner, ornamental brush may, at the discretion of the General Manager of Environmental and Protective Services or his/her designate, be left in the municipal road allowance within 30 meters of the access to or directly in front of a residence providing safe sight lines are maintained.
- (d) Landowners clearing trees or shrubs on their own land that wish to clear into the adjacent road allowance may apply to enter into an agreement with the M.D. by completing a Roadside Backsloping Application (*Attachment A*) and submitting it to the Environmental and Protective Services Department.
- (i) The application must be received by the Environmental and Protective Services Department prior to any of the work commencing on road allowance.
 - (ii) The application may not be approved if the road along which the backsloping is proposed is already scheduled to be completed by the M.D. within the next two (2) years.
 - (iii) Once the brushing and backsloping is completed the Agriculture Fieldman, or his/her designate, will schedule a post-inspection.
- (e) No compensation or other amount will be payable by the M.D. for brush removal from a road allowance except as specifically provided for in written agreement between the M.D. and a landowner.

(2) Spraying

The M.D. will schedule spraying annually in accordance with the Developed Road Allowance Brush and Vegetation Control Procedure, with the exception of areas that are deemed a priority by the General Manager of Environmental and Protective Services, or his/her designate. Spraying will be utilized to control the re-growth of brush and to eradicate, control, and suppress the spread of noxious weeds.

(a) Public notification for spraying within the M.D. will be released through local newspapers and M.D. social media sites online. This notification will occur in the spring before spraying is scheduled to begin.

(i) If a landowner is opposed to spraying adjacent to property they own, the landowner can sign a Weed Control Agreement (*Attachment C*). They must complete this agreement and submit it to the Environmental and Protective Services Department within four (4) weeks of the public notification.

(ii) If a landowner enters into a Weed Control Agreement with the M.D. and fails to complete the required control work by July 15th of the same year, the M.D. reserves the right to complete the work using whatever means necessary, including spraying.

(iii) Weed Control Agreements do not carry over year to year; they must be completed and submitted annually.

Note: The M.D. will not accept a previous year's agreement for landowners who fail to submit a Weed Control Agreement before the indicated deadline.

(b) Road right-of-way's cannot be used as the 25-foot required buffer between organic crops and the land where pesticides are used.

(c) Spraying will not take place where a Weed Control Agreement has been signed except as provided for in subsection (a)(ii) herein, within the legislative setback from water bodies, or other areas deemed sensitive by the General Manager of Environmental and Protective Services, or his/her designate.

(d) Non-compliance of a weed notice may result in fees that will be billed back to the landowner to cover the costs associated with the M.D. controlling the weed infestation. Additionally, a \$500 administration fee will be applied. If the bill is unpaid, these charges will be applied to the landowner's tax roll.

(3) Mowing

Mowing along developed road allowances within the M.D. will be scheduled annually in accordance with the Developed Road Allowance Brush and Vegetation Procedure.

Priority areas to be mowed include areas where herbicides are deemed not to be acceptable including but not limited to roads with a high volume of traffic, or sensitive crops.

Identified riparian areas shall be exempt from seasonal mowing, except where specified by Administration.

All M.D. recreational property including but not limited to campgrounds, parks, and trails will be mowed by the Planning and Community Services Department.

(4) Industrial Sites

The General Manager of Environmental and Protective Services or his/her designate will ensure a minimum of one (1) scheduled inspection per year of industrial sites to identify the presence of prohibited or noxious weeds. When these weeds are present they will be removed, controlled, or suppressed by the method deemed most suitable by the General Manager of Environmental and Protective Services, or his/her designate.

This policy applies to all public roads under the direction, control, and management of the M.D. with the exception of any roads deemed exempt by Council through resolution.

Policy Review

Within five (5) years from date adopted / amended / reviewed.

For administrative use only:

<p>Related Documentation: (plans, bylaws, policies, procedures, etc.)</p>	<p>Attachment A: Roadside Backsloping Application Attachment B: Property Brushing Request Application Attachment C: Weed Control Agreement Attachment D: Property Access Request Form Procedure: Developed Road Allowance Brush and Vegetation Control Procedure</p>
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Developed Road Allowance Brush and Vegetation Control Policy: ATTACHMENT A

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Roadside Backsloping Application

Amended by Council – February 5, 2020 Resolution No. 20.040

Applicant(s) _____

Address _____

Postal Code _____ Telephone _____

Legal Location of Land to Backslope:

Quarter _____ Section _____ Township _____ Range _____ W4 Meridian

Land Purchase Agreement _____

Distance to Backslope _____ mile(s)

Location of Project

Comments _____

NW	NE
SW	SE

- (1) This program will allow the farmer to extend the cultivated portion of his land to the edge of the roadway;
- (2) All brush, rocks and debris must be disposed of by burning or burying on the applicant's land;
- (3) The backsloped area is to be kept free of weeds, brush and rocks after the area has been backsloped;
- (4) The applicant agrees to allow the Municipal District of Bonnyville (M.D.) to control the weeds and brush on the road right-of-way portion of the backsloped area by spraying with herbicide;
- (5) All earthwork done within the right-of-way will be done in accordance with M.D. policies and procedures and in a manner that does not alter or hinder the drainage of water along or across the right-of-way;
- (6) The applicant will supply grass seed and seed the backsloped area as required to prevent soil erosion, if the area is not going to be farmed
- (7) The amount paid to the applicant will range from \$500.00 to \$3500.00 per one half mile based on the amount of brush, rocks or other debris that has to be removed to complete the backsloping project, and shall be determined by the M.D. in its sole discretion in accordance with Section 10 herein;
- (8) If a fence is currently constructed at 33 feet (10 meters) from the centerline of a right-of-way that is registered as a 50 ft road allowance, it will need to be reconstructed, at the landowner's sole cost and expense, to 50 ft from the centerline of the right-of-way;



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- (9) An inspection team comprised of the General Manager of Environmental and Protective Services or one of the designates and/or the Infrastructure Services Foreman will determine what payment amount will be paid to the applicant;
- (10) The site will be inspected before commencement of the project and again after completion to verify that all required work has been satisfactorily completed;

Note: No funds will be paid unless the project has been inspected and approved by the inspection team prior to the commencement of any work;

I / We, the undersigned have read this application and agree to the terms and conditions as outlined above.

Applicant(s) Signature

M.D. Representative Signature

Date

Date

Approved payment of _____ on _____, 201____.

The collection of personal information on this document is governed by the Freedom of Information and Protection of Privacy (FOIP) Act as well as other provincial enactments. The M.D. has legal authority to collect information to assist in the operations of municipal programs and services. Should you have any questions or concerns regarding the content of this document, please feel free to contact our *FOIP Coordinator at the M.D. of Bonnyville, 4905 – 50 Avenue Bonnyville, AB T9N 2J7 P: 780-826-3171 F: 780-826-4524.*



Developed Road Allowance Brush and Vegetation Control Policy: ATTACHMENT B

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Property Brushing Request Application

Adopted by Council – February 5, 2020 Resolution No. 20.040

I, _____, as the registered landowner hereby authorize the staff or agents of the Municipal District of Bonnyville (M.D.) to enter the listed locations below for brush control, on a cost recovery basis, adjacent to the road allowance boundary up to a maximum of _____ meters.

I understand the following:

- (1) The M.D. will submit an invoice to me, the landowner, once the work has been completed.
- (2) The M.D. will continually control regrowth on the road allowance only by means of spraying and/or mechanical methods.
- (3) A new request will need to be submitted if I wish to receive this service again.
- (4) If I do not wish to have spraying done adjacent to my property, a Weed Control Agreement must be signed and submitted to the M.D. before the deadline.
- (5) The staff or agents of the M.D. will take all reasonable precautions to protect and preserve the landscaping.
- (6) It will be my responsibility to notify the M.D. of any ownership changes on any of the properties listed below for the purposes of this request.
- (7) By signing this request I hereby covenant and agree that the M.D. shall not be liable directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the lands referred to herein or for any loss of or damage or injury to property belonging to the me or any other person, including any injury, loss or damage caused by the negligence of the M.D.; and I will at all times indemnify and save harmless the M.D., its officers, elected officials, employees and agents from and against any and all liabilities, claims, demands, losses, costs, charges, expenses (including without limiting the generality of the foregoing, all legal fees and disbursements on a solicitor and own client basis and any amount paid to settle any actions or satisfy any judgments), actions and other proceedings made, brought against, suffered by or imposed on the M.D., its officers, elected officials, employees and agents in respect of anything arising from the M.D.'s access to or use of the lands pursuant to this Application, or for any reason whatsoever, or in respect of any loss, damage or injury (including injury resulting in death) to any person or property (including, without restricting the generality of the foregoing, employees, invitees, contractors, agents and property of the M.D.) directly or indirectly arising out of, resulting from or sustained by reason of the M.D.'s access to or activities on the land or in connection therewith.



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Legal Land Locations owned where brushing request is to take effect:

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

I agree that the brushing/spraying will encroach on to my private property. By signing this request I am giving the M.D. and/or its agents authorization to proceed with the requested brushing on the above listed legal land location(s).

Landowner (Print): _____ Roll Number: _____

Signature: _____ Date: _____

M.D. Representative (Print): _____

Signature: _____ Date: _____

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Comments:



Developed Road Allowance Brush and Vegetation Control Policy: ATTACHMENT C

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Weed Control Agreement

Adopted by Council – February 5, 2020 Resolution No. 20.040

I, _____, do not want the road right-of-way adjacent to the _____ side(s) of:

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

Quarter _____ Section _____ Township _____ Range _____ W4M

OR

Lot(s) _____ Block _____ Plan _____ in _____
(subdivision name)

sprayed with herbicides for the control of brush and vegetation.

I agree to assume full responsibility for the control of weed infestations pursuant to the *Weed Control Act* (Alberta) and associated Municipal District of Bonnyville (M.D.) policies and procedures along the above listed location(s) during the current year and future years unless I notify the Municipal District of Bonnyville otherwise.

I understand that the failure to control these weeds to a satisfactory level may result in the spraying of the ditches with a broadleaf herbicide without notice as per M.D. policy 5A.016.

Name (Print)

Witness (Print)

Address

Witness Signature

Phone Number

Signature

Date

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Property Access Request Form

Adopted by Council – February 5, 2020 Resolution No. 20.040

I, _____, as the registered landowner hereby understand and authorize the staff or agents of the Municipal District of Bonnyville (M.D.) to access the listed locations below for brush control and clean up, adjacent to the road allowance boundary up to a maximum of ____ meters.

I understand the following:

- (1) The M.D. will only repair damage incurred to a fence during the brushing and clean up process.
- (2) The M.D. will not replace entire fence lines if given permission to remove it during the brushing and clean up process.
- (3) The staff or agents of the M.D. will take all possible precautions to protect and preserve the landscaping.
- (4) By signing this request I hereby covenant and agree that the M.D. shall not be liable directly or indirectly, for any personal injuries that may be suffered or sustained by any person who may be on the lands referred to herein or for any loss of or damage or injury to property belonging to the me or any other person, including any injury, loss or damage caused by the negligence of the M.D.; and I will at all times indemnify and save harmless the M.D., its officers, elected officials, employees and agents from and against any and all liabilities, claims, demands, losses, costs, charges, expenses (including without limiting the generality of the foregoing, all legal fees and disbursements on a solicitor and own client basis and any amount paid to settle any actions or satisfy any judgments), actions and other proceedings made, brought against, suffered by or imposed on the M.D., its officers, elected officials, employees and agents in respect of anything arising from the M.D.'s access to or use of the lands pursuant to this Application, or for any reason whatsoever, or in respect of any loss, damage or injury (including injury resulting in death) to any person or property (including, without restricting the generality of the foregoing, employees, invitees, contractors, agents and property of the M.D.) directly or indirectly arising out of, resulting from or sustained by reason of the M.D.'s access to or activities on the land or in connection therewith.

Legal Land Locations owned where brushing request is to take effect:

Quarter ____ Section ____ Township ____ Range ____ W4M

Quarter ____ Section ____ Township ____ Range ____ W4M

Quarter ____ Section ____ Township ____ Range ____ W4M



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I agree that the brushing/spraying will encroach on to my private property. By signing this request I am giving the M.D. and/or its agents authorization to proceed with the requested brushing on the above listed legal land location(s).

Landowner (Print): _____ Roll Number: _____

Signature: _____ Date: _____

M.D. Representative (Print): _____

Signature: _____ Date: _____

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