



Village of Stirling

Policy DV03 - 22



Section:	ADMINISTRATIVE	Subject:	Road Allowance License of Occupation Policy
Approval Date:	November 2, 2022		

Road Allowance License of Occupation Policy

Policy Statement:

The Village of Stirling recognizes municipal road allowances not presently required for road construction, may be leased under a “license of occupation” by the landowner or interested party whose property abuts the road allowance and intends on using the road allowance for agricultural use provided that where the road allowance borders two or more landowners, the application shall circulate to the adjoining landowner for comment. No license of occupation will be provided to an applicant who does not own land adjoining the road allowance.

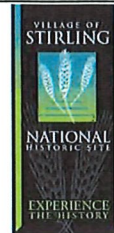
Policy:

1. Applicants must provide a written request to obtain a license of occupation from the Village of Stirling by filling out the application form located in Appendix A of this Policy.
2. Applications where two or more landowners are adjacent to the road allowance the other landowners will be notified and of the application and given 28 days for comment.
 - a. Notification shall be done via mailing the form attached as Appendix D to all affected adjacent landowners.
 - b. If Administration receives no comment the application will be able to proceed to the lease stage.
 - c. If an adjacent landowner objects to the lease of the road allowance the matter will referred to the CAO whereby a decision will be rendered.
 - i. If a landowner who contests the license of occupation is currently in unlicensed control of the subject road allowance, they will be required to immediately enter into a license of occupation and pay the fee for such license.
3. Applicants will be subject to the terms of the lease, which forms Appendix B of this Policy and the fees set out by the Policy which form Appendix C of this Policy.
4. Any road allowance being used for anything other than agricultural uses shall not be permitted.
5. Any road allowances which are being occupied and currently subject to a license of occupation lease agreement shall be required to enter into such agreement.



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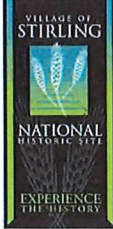
6. Agreements may be terminated for cause. For cause is any deliberate damage done to the road allowance; failure to maintain the road allowance; failure to pay the lease amount established in the policy; any other violation of the policy or agreement.
7. Agreements will be good for 5 years at which time they shall be renewed at the rate established by the policy at the time of renewal.
8. Existing agreement holders will have right of first refusal when the agreement expires and comes to renewal.
9. Policy DV03-21 Road Allowance License of Occupation is hereby repealed.



Mayor – Trevor Lewington



CAO – Scott Donselaar



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Appendix A

Village of Stirling Application for License of Occupation

Date: _____

I/We _____ of _____
{Print Name(s)} {Street Address}

Hereby apply for a permit to occupy:

a) The following road allowance _____ located at or between _____

for _____ purposes.

I/we have ownership of the lands adjacent to the road allowance located at

_____ {Legal Land Description}

or

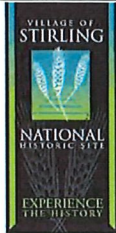
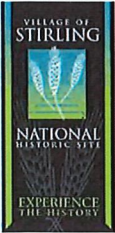
_____ {Lot - Block - Plan}

Signature: _____

Witness: _____

Signature: _____

Witness: _____



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Appendix B

Village of Stirling (the Lessor)

License of Occupation

Date: _____

Between the Village of Stirling and

_____ (the Lessee).

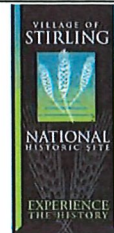
In consideration of the receipt of a license fee as prescribed by Appendix C (\$__ per calendar year) and subject to the terms and conditions stated below, the Lessor hereby grants a license of occupation to the Lessee on the following described road allowance(s):

for agricultural purposes. (Livestock grazing or crop production)

Terms and Conditions:

1. The Lessee hereby indemnifies and holds harmless the Lessor from any and all claims or causes of action, including personal injury, death, or property damage brought by the Lessee or his/her agent that may arise or result from or in connection with the Lessee's use of the leased land under this license. Without restricting the generality of the foregoing, the Lessee indemnifies and holds harmless the Lessor from any and all claims that may arise as a result of use of the leased land by the Lessee for grazing of livestock.

2. The Lessee shall obtain general public liability insurance of not less than two million (\$2,000,000) dollars for claims brought as a result of personal injury, death, or property damage, occasioned as a result of the use of the road allowance by third parties, provided that such use was authorized by the Lessee and occasioned by or in connection with actions or responsibilities, including the grazing of livestock, of the Lessee.
 - a. The Lessee may choose to have the Village named as a party to the general liability portion of their homeowner's insurance policy to accommodate the insurance requirement so long as their insurance company will extend coverage to the licensed road allowance.



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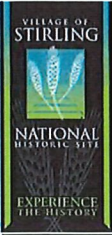
3. The Lessee shall be responsible for managing and control of noxious and other weeds on the leased lands caused by or in connection with the Lessee's use of the leased lands.
4. The Lessee shall be responsible for prevention and repair of any erosion to soil or waterways caused by or in connection with the Lessee's use of the leased lands.
5. This license shall continue in effect for a period of five years, provided that applicable fees are paid, and the Lessee shall provide evidence of continuity of insurance each year by January 30th. Notwithstanding the above, either party may terminate the license upon six months' notice and provided that reasonable opportunity has first been afforded to the other party to discuss any issues or problems leading to the proposed termination.
6. This license may be revoked or terminated for cause by the Lessor upon three day's written notice to the Lessee, and the Lessee shall immediately cease using and remove any livestock from the road allowance, and this agreement shall be terminated. The Lessee shall have no claim in connection with rightful termination by the Lessor under this section.

Lessee

Witness

Lessee

Lessor (Village of Stirling)



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Appendix C

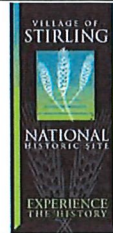
Fee Schedule

Alley Way Road Allowance per 50 ft	\$10.00 per Year
Street Road Allowance per 50 ft	\$20.00 per Year
Avenue Road Allowance per 100 ft	\$40.00 per Year



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Appendix D

Date: _____

To Whom It May Concern:

This document is to serve as notification of the Village has received an application to enter into a Road Allowance License of Occupation with the Village of Stirling which will permit the applicant to fence and have control of the Road Allowance located at ___ Avenue/Street, between ___ Avenue/Street and ___ Avenue/Street.

As a result of this notification, you as the adjoining landowner may agree to or contest the license of occupation.

In order to contest the license of occupation application you must fill out and return this form to Village Administration within 28 days from the date on this letter. Failure to return the form will be viewed as acceptance of the application. The response may be dropped off at the Village Office located at 237 4 Avenue, or by scanning and emailing it to office@stirling.ca

If you contest the application and are currently in possession of the road allowance without a current license of occupation you will be required to pay the full annual amount and enter into a license of occupation for a five-year term in order to retain control of the subject road allowance.

Respondent name: _____

Respondent's reason for contesting application: _____

Respondent Signature: _____