

POLICY TITLE  Municipal Permanent Road Closure Policy		ADOPTED BY RM Council Resolution No. 2024-01-24-008 EFFECTIVE DATE January 24, 2024	POLICY NO.  <b>300-21</b>
ORIGIN/AUTHORITY RM Council	JURISDICTION RM of Frenchman Butte No. 501	Amended:  Rescinded:	Resolution No.  Resolution No.

## 1.0 PURPOSE:

Whereas the Council of the Rural Municipality of Frenchman Butte No. 501 shall establish a clear and consistent process for permanently closing roads within the RM of Frenchman Butte.

## 2.0 DEFINITIONS:

- 2.1. Council:** Refers to the governing body of the RM of Frenchman Butte No. 501
- 2.2. Road Closure:** The process of legally terminating public access to a road, street, or road allowance.
- 2.3. Ratepayer:** An individual or entity that pays taxes or fees to the RM of Frenchman Butte.
- 2.4. Public Notice:** Official communication to inform the public about the proposed road closure.
- 2.5. Bylaw:** A law passed by the council of the RM of Frenchman Butte.
- 2.6. Crown Roads:** Roads where the title is vested in the Crown.
- 2.7. Non-Crown Roads:** Roads where the title is not vested in the Crown.
- 2.8. Affected Parties:** Individuals, groups, or entities potentially impacted by the road closure.

## 3.0 SCOPE:

- 3.1.** This policy applies to all streets, roads, and road allowances within the RM of Frenchman Butte, whether titled to the RM or the Crown.

## 4.0 PROCESS FOR CLOSURE:

### 4.1. Initial Request and Assessment:

- 4.1.1.** Receipt of Closure Request: Upon receiving a formal application for road closure, the council conducts an initial review to determine its completeness and adherence to policy requirements.
- 4.1.2.** Criteria for Assessment: The council assesses the necessity of the road for public use, its current condition, and relevance to future planning needs.

### 4.2. Public Engagement and Impact Analysis:

- 4.2.1.** Public Hearing Announcement: Schedule and announce a public hearing to gather community input on the proposed closure.
- 4.2.2.** Impact Analysis: Conduct an in-depth analysis of the proposed closure's impact on traffic, access to properties, public safety, and local businesses.

### 4.3. Community and Stakeholder Consultation:

- 4.3.1.** Public Hearing: Facilitate a public hearing allowing affected parties and the general public to present their views and concerns.

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**4.3.2. Stakeholder Engagement:** Consult with key stakeholders, including emergency services, public transport authorities, and local businesses.

**4.4. Comprehensive Review by Council:**

**4.4.1. Consideration of Input:** The council considers all input received from the public hearing and stakeholder consultations.

**4.4.2. Balancing Interests:** Weigh the benefits of the closure against potential drawbacks, focusing on community interests and strategic municipal objectives.

**4.5. Decision Making:**

**4.5.1. Council Deliberation:** The council deliberates on the closure, taking into account public opinion, the road's significance, and alignment with municipal policies.

**4.5.2. Formal Vote:** The council votes on the proposed road closure.

**4.6. Implementation Strategy:**

**4.6.1. Operational Plan Development:** If approved, develop a detailed plan for closing the road, including timelines and necessary arrangements for traffic rerouting and signage.

**4.6.2. Infrastructure Adjustments:** Implement any necessary infrastructure changes, such as adding barriers or modifying adjacent roads.

**4.7. Legal and Regulatory Compliance:**

**4.7.1. Bylaw Passage:** Enact a bylaw to legally formalize the road closure.

**4.7.2. Compliance with Regulations:** Ensure the closure complies with all relevant local, provincial, and federal regulations.

**4.8. Post-Closure Monitoring and Evaluation:**

**4.8.1. Monitoring Plan:** Establish a plan to monitor the effects of the closure on traffic patterns,

**4.8.2. community feedback, and safety.**

**4.8.3. Evaluation and Adjustments:** Regularly evaluate the closure's impact and make adjustments if necessary to address unforeseen issues or community needs.

**4.9. Documentation and Reporting:**

**4.9.1. Record-Keeping:** Maintain detailed records of the closure process, including public hearing transcripts, council meeting minutes, and decision rationale.

**4.9.2. Reporting to Community:** Provide regular updates to the community and other stakeholders about the closure's status and effects.

**4.10. Appeals and Revisions:**

**4.10.1. Appeal Process:** Outline a process for appeals against the closure decision.

**4.10.2. Provisions for Revisions:** Establish criteria and procedures for revising or reversing the closure decision if required in the future.

## **5.0 APPLICATION PROCESS FOR ROAD CLOSURE (AS PER SCHEDULE A):**

**5.1. Submission of Application:**

**5.1.1. Eligible Applicants:** Ratepayers or interested parties in the RM of Frenchman Butte.

**5.1.2. Application Requirements:** The application must include:

**5.1.2.1. Detailed justification for the road closure.**

**5.1.2.2. A precise description of the road section proposed for closure.**

**5.1.2.3. Supporting documents, which may include traffic impact analyses, environmental assessments, or letters from affected stakeholders.**

**5.2. Application Review:**

**5.2.1. Initial Assessment:** The RM council conducts a preliminary evaluation to ensure the application is complete and meets the basic criteria for consideration.

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**5.2.2.**Key Considerations: The council examines factors such as:

**5.2.2.1.** The necessity of the road for public use.

**5.2.2.2.** Its impact on traffic patterns and public accessibility.

**5.2.2.3.** Potential effects on adjoining properties and the local community.

**5.3. Application Fee:**

**5.3.1.**Cost Coverage: Applicants are required to pay a non-refundable fee to cover the costs associated with processing the application.

**5.3.2.**Additional Expenses: Depending on the complexity of the application, additional charges for services like surveying, legal consultation, or compensation for affected parties might be applicable.

**6.0 ADVERTISING REQUIREMENTS:**

**6.1. Public Notice:**

**6.1.1.**Publication Method: A public notice must be published in a local newspaper and on the RM of Frenchman Butte's official website.

**6.1.2.**Notice Period: The notice should be published at least 30 days before the council meeting where the closure will be discussed.

**6.1.3.**Content of Notice: The notice must include:

**6.1.3.1.** A clear description of the proposed road closure. including the specific section of the road.

**6.1.3.2.** The date, time, and location of the council meeting.

**6.1.3.3.** Information on how the public can submit comments or objections.

**6.2. On-site Signage:**

**6.2.1.**Visibility and Placement: Signage indicating the proposed road closure must be placed visibly at the site of the road section proposed for closure.

**6.2.2.**Signage Content: Signs should include a brief description of the proposal, contact information for inquiries, and details about the public consultation process.

**6.3. Notification of Affected Parties:**

**6.3.1.**Identification of Affected Parties: Adjacent landowners and other parties who may be directly impacted by the closure should be identified.

**6.3.2.**Direct Notification: These parties must be notified directly, either through mail, email, or personal delivery, about the proposed closure and the upcoming public hearing.

**6.3.3.**Notification Content: The notification should include specifics of the proposed closure, details on how they can participate in the decision-making process, and whom to contact for more information.

**6.4. Public Hearing Announcement:**

**6.4.1.**Communication of Hearing Details: Details about the public hearing, including its purpose, timing, and location, should be included in all advertisements and notifications.

**6.4.2.**Opportunities for Public Input: The announcement should clearly state how the public can provide input, such as through written submissions, online feedback forms, or in-person at the hearing.

**6.5. Accessibility of Information:**

**6.5.1.**Online Accessibility: All relevant documents, including the closure application, impact assessments, and public submissions, should be accessible on the RM's website.

**6.5.2.**Physical Copies: Upon request, physical copies of these documents should be made available at the RM's office or other public venues.

**POLICY TITLE****Municipal Permanent Road Closure Policy****7.0 COUNCIL DECISION AND IMPLEMENTATION:****7.1. Decision-Making Process:**

**7.1.1.**Council Deliberation: Following public hearings and review of all submitted materials, the council deliberates on the road closure application.

**7.1.2.**Consideration Factors: The decision is based on a comprehensive evaluation of factors such as public feedback, the impact on local traffic and community, alignment with municipal plans, and legal requirements.

**7.1.3.**Voting: The council votes on the application in a formal council meeting.

**7.2. Communication of Decision:**

**7.2.1.**Official Notification: The decision, along with detailed reasoning, is communicated in writing to the applicant and other key stakeholders.

**7.2.2.**Public Announcement: A summary of the decision and its rationale is published on the RM's website and, if necessary, in local newspapers for broader public awareness.

**7.3. Legal and Administrative Processing:**

**7.3.1.**Bylaw Enactment: If the decision is to close the road, a bylaw formalizing the closure is drafted and passed.

**7.3.2.**Documentation: All legal documents pertaining to the road closure are prepared, including amendments to road maps, re-zoning (if applicable), and updating public records.

**8.0 CONDITIONS FOR CLOSURE:****8.1. Eligibility for Closure:**

**8.1.1.**Non-Crown Roads: Roads not vested in the Crown may be closed at the discretion of the council, subject to the conditions outlined in this policy.

**8.1.2.**Crown Roads: For roads where the title is vested in the Crown, closure is contingent upon the council's determination of the road's non-necessity for public use and obtaining consent from the minister responsible under The Highways and Transportation Act 1997.

**8.2. Consideration of Public Interest and Use:**

**8.2.1.**Public Usage Evaluation: Assess the current and anticipated future use of the road by the public. Roads vital for community access or emergency routes should generally not be closed.

**8.2.2.**Alternative Routes: Ensure there are adequate alternative routes for traffic, especially for essential services.

**8.3. Impact on Local Community and Environment:**

**8.3.1.**Community Impact Assessment: Evaluate how the closure will affect local residents, businesses, and the overall community.

**8.3.2.**Environmental Considerations: Assess any potential environmental impacts, including effects on local ecosystems and wildlife corridors.

**8.4. Infrastructure and Maintenance Considerations:**

**8.4.1.**Road Condition: Consider the current condition and maintenance costs of the road. Roads in poor condition or requiring significant investment for upkeep may be more suitable for closure.

**8.4.2.**Future Development Plans: Align the closure decision with long-term municipal planning and development strategies.

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**9.1.1.**Basis for Compensation: Compensation for any damages or adverse effects caused by the road closure will be determined as outlined in Sections 13(6)-(8) of "The Municipalities Act".

**9.1.2.**Judicial Involvement: In instances where compensation cannot be mutually agreed upon, judicial involvement may be sought to ascertain fair compensation.

**9.1.3.**Identification and Assessment: Identify individuals, businesses, or entities adversely affected by the closure, and assess the impact, including access loss, decreased property value, or business disruptions.

**9.1.4.**Negotiation and Agreement: Engage in negotiations with affected parties to reach agreements on compensation, aiming for fair and mutually agreeable solutions.

**9.2. Consent from Relevant Authorities:**

**9.2.1.**Requirement for Consent: As per Section 13(11) of "The Municipalities Act", obtain necessary consents from various authorities, particularly when closing roads that connect to other jurisdictions.

**9.2.2.**Crown Roads Consent: For roads vested in the Crown, secure consent from the responsible minister under The Highways and Transportation Act 1997.

**9.2.3.**Regulatory Compliance: Ensure all closures comply with applicable local, provincial, and federal regulations.

**9.3. Consultation with Utility and Service Providers:**

**9.3.1.**Service Impact Identification: Identify utilities and services potentially impacted by the road closure.

**9.3.2.**Securing Agreements: Obtain agreements or consents from affected service providers to ensure no disruption of essential services.

**9.4. Easement and Right-of-Way Considerations:**

**9.4.1.**Respect for Existing Easements: Uphold existing easements and rights-of-way, ensuring closure does not infringe on these legal arrangements.

**9.4.2.**Easement Adjustments: If necessary, negotiate adjustments to easements, with fair compensation and mutual agreement from all parties.

**10.0 LEGAL REQUIREMENTS AND DOCUMENTATION:****10.1. Legal Framework:**

**10.1.1.** Municipalities Act Compliance: Ensure compliance with Section 13 of The Municipalities Act, which outlines the procedure for the closure of streets or roads, including requirements for public notice and obtaining consent from the minister responsible under The Highways and Transportation Act 1997.

**10.1.2.** Highways and Transportation Act: Adherence to The Highways and Transportation Act 1997, particularly when dealing with Crown roads, ensuring that the road is no longer needed for public use and obtaining necessary ministerial consent.

**10.1.3.** Zoning Compliance: Review and comply with zoning regulations as outlined in the Zoning Bylaws of the Rural Municipality of Frenchman Butte, ensuring closures align with zoning district requirements and do not conflict with existing land use.

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- 11.1.1.** Design and Strategic Placement of Signs: Signs designed to clearly indicate the road closure are placed at strategic locations leading to and at the closure site. The design complies with local road signage regulations.
- 11.1.2.** Content of Signs: Signs include:
  - 11.1.2.1.** Notification of the road closure.
  - 11.1.2.2.** Effective date of the closure.
  - 11.1.2.3.** Alternative routes, if available.
  - 11.1.2.4.** Contact information for further inquiries.
- 11.1.3.** Pre-Closure Signage Installation: Signs are installed well in advance (suggested: at least 30 days prior) to inform regular users and residents.
- 11.1.4.** Duration of Signage Post-Closure: Signs remain in place for an extended period (6 months to 1 year) to inform infrequent travelers.

**12.0 SPECIAL PROVISIONS:****12.1. Lease and Sale Agreements:**

- 12.1.1.** Continued Access: Ensure that lease and sale agreements for closed roads maintain continued access to all land parcels, particularly for emergency services and utilities.
- 12.1.2.** Adherence to Existing Easements: Respect and uphold any existing easements or rights of way, ensuring that they are not hindered by the closure.

**12.2. Adjacent Land Use:**

- 12.2.1.** Exemptions for Adjacent Owners: Allow for exemptions where parts of a street or road adjacent to private land can be leased or sold to the owner of the adjoining private land, under specific conditions.
- 12.2.2.** Integration into Adjacent Properties: Procedures for integrating the closed road sections into adjacent properties, ensuring proper land use and zoning compliance.

**12.3. Environmental Considerations:**

- 12.3.1.** Impact Assessment: Require an environmental impact assessment for closures that may affect sensitive areas, wildlife habitats, or ecological balance.
- 12.3.2.** Mitigation Measures: Outline required measures to mitigate any negative environmental impacts caused by the road closure.

**12.4. Cultural and Historical Preservation:**

- 12.4.1.** Protection of Significant Sites: Identify and protect any culturally or historically significant sites in the vicinity of the closure.
- 12.4.2.** Consultation with Local Communities: Engage with local communities or indigenous groups if the closure impacts culturally significant areas.

**12.5. Public Utilities and Infrastructure:**

- 12.5.1.** Relocation and Adjustment: Address the need for relocation or adjustment of public utilities and infrastructure affected by the closure.
- 12.5.2.** Coordination with Utility Providers: Ensure coordination and communication with utility providers for a smooth transition.

**12.6. Emergency Access:**

- 12.6.1.** Emergency Routes: Establish alternative emergency routes to compensate for the closed road, ensuring that response times are not adversely affected.
- 12.6.2.** Notification to Emergency Services: Inform and coordinate with emergency service providers about the closure and alternative arrangements.

**12.7. Future Development Considerations:**

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**12.7.1. Long-term Planning Alignment:** Ensure that road closures align with long-term urban planning and development goals of the RM.

**12.7.2. Reassessment Clause:** Include a clause allowing for reassessment of the closure in light of future development or changes in land use patterns.

#### **12.8. Accessibility Concerns:**

**12.8.1. Access for People with Disabilities:** Ensure that the closure does not adversely affect accessibility for people with disabilities.

**12.8.2. Provisions for Alternate Accessibility:** Provide alternative access solutions where necessary to maintain accessibility standards.

#### **12.9. Appeals and Grievances:**

**12.9.1. Appeals Process:** Outline a clear process for appeals or grievances related to the closure, ensuring transparency and fairness.

**12.9.2. Stakeholder Consultation:** Establish a platform for ongoing consultation with stakeholders who may be affected by the closure.

#### **12.10. Economic Impact Analysis:**

**12.10.1. Business Impact Assessment:** Conduct an assessment of the closure's impact on local businesses and provide support or compensation where necessary.

**12.10.2. Economic Mitigation Strategies:** Develop strategies to mitigate any negative economic impacts on the local community.

### **13.0 APPROVAL, AMENDMENTS, AND REVOCATION:**

#### **13.1. Documentation of Approval:**

**13.1.1. Issuance of Certificate of Approval:** Upon approval, a Certificate of Approval is issued, outlining the specifics of the closure.

**13.1.2. Public Record:** The approval and its details are entered into public records.

**13.1.3. Notification to Stakeholders:** All affected parties, including adjacent landowners and public services, are formally notified of the council's decision.

**13.1.4. Filing with Relevant Authorities:** The approval documentation is filed with necessary government bodies, such as the Ministry of Highways or land titles office.

#### **13.2. Amendments to Approved Closures:**

**13.2.1. Initiation of Amendment:** An amendment can be initiated by the council, the original applicant, or a significant number of affected stakeholders.

**13.2.2. Submission of Amendment Proposal:** The party seeking the amendment submits a detailed proposal outlining the reasons for the amendment and its expected impact.

**13.2.3. Public Notice and Engagement:** Similar to the initial approval process, public notice is given, and a hearing may be scheduled to discuss the proposed amendment.

**13.2.4. Council Review and Assessment:** The council reviews the amendment proposal, considering new information and the impact of proposed changes.

**13.2.5. Decision on Amendment:** The council votes on the amendment proposal. Approval of the amendment requires a majority vote.

#### **13.3. Revocation of Approval:**

**13.3.1. Grounds for Consideration:** A road closure approval may be considered for revocation if there are substantial changes in circumstances, non-compliance with the terms of approval, or significant unforeseen adverse impacts.

**13.3.2. Initiation of Revocation Process:** The process can be initiated by the council, a petition from affected stakeholders, or as a result of compliance monitoring and review.

**13.3.3. Submission of Revocation Proposal:** A detailed proposal for revocation, outlining the reasons and evidence supporting the need for revocation, is submitted to the council.

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**13.3.4. Public Notice and Engagement:** Similar to the original approval process, a public notice is issued, and a hearing may be scheduled to allow for community input on the proposed revocation.

**13.3.5. Review and Assessment:** The council reviews the proposal, considering the current situation, the impact of the road closure since implementation, and input received from the public hearing.

**13.3.6. Council Decision:** The council deliberates and votes on the revocation. A decision to revoke requires a majority vote.

**14.0 APPEALS:****14.1. Right to Appeal:**

**14.1.1. Eligibility:** Define who can file an appeal (e.g., affected property owners, applicants).

**14.1.2. Notification:** Inform the relevant parties of their right to appeal at the time the road closure decision is communicated.

**14.1.3. Valid Grounds:** Appeals must be based on grounds such as procedural errors, misinterpretation or misapplication of the policy, or new evidence that could significantly alter the decision.

**14.2. Appeal Submission Process:**

**14.2.1. Format of Appeal:** Require a written appeal, including the appellant's contact information, specific decision being appealed, and a detailed reason for the appeal.

**14.2.2. Submission Deadline:** Set a clear deadline for appeal submission, typically within 30-60 days from the decision date.

**14.2.3. Submission Method:** Provide a specific address or online portal for submitting the appeal.

**14.3. Appeal Review Process:**

**14.3.1. Receipt Acknowledgment:** Acknowledge receipt of the appeal to the appellant.

**14.3.2. Review by Designated Body:** Assign a neutral committee or board to review the appeal. This body should not include members who were part of the original decision-making process.

**14.3.3. Objective Evaluation:** Review the appeal against the policy's guidelines and criteria.

**14.3.4. Hearing Arrangement:** If required, organize a formal hearing where the appellant can present their case. Provide guidelines on the hearing's format, participant roles, and expectations.

**14.4. Decision on Appeal:**

**14.4.1. Deliberation and Decision:** The reviewing body deliberates and makes a decision on the appeal, considering all presented information and policy guidelines.

**14.4.2. Communication of Decision:** Communicate the decision and its rationale to the appellant and other relevant parties in writing.

**14.4.3. Implementation of Decision:** If the appeal is upheld, take appropriate steps to amend the road closure decision in accordance with the appeal findings.

**15.0 DOCUMENTATION AND REPORTING:****15.1. Documentation of the Closure Process:**

**15.1.1. Application Records:** Maintain comprehensive records of all road closure applications, including submitted documents, correspondence, and applicant details.

**15.1.2. Council Meeting Minutes:** Document discussions and decisions made during council meetings related to road closures, highlighting key points, votes, and rationales.

**15.1.3. Public Notices and Communications:** Archive copies of all public notices, announcements, and community communications issued regarding road closures.

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**15.1.4. Hearing Records:** Keep detailed records of public hearings, including transcripts, attendee lists, and summaries of public input.

**15.2. Reporting of Decisions and Actions:**

**15.2.1. Decision Reports:** Prepare formal reports on each road closure decision, including the assessment process, final decision, and reasons behind it.

**15.2.2. Action Taken Reports:** For each closed road, compile a report detailing the actions taken to implement the closure, such as signage installation, infrastructure modifications, and notifications to public services.

**15.3. Monitoring and Evaluation Reports:**

**15.3.1. Post-Closure Monitoring:** Conduct and document regular monitoring of closed roads, assessing aspects like impact on traffic, community feedback, and safety issues.

**15.3.2. Evaluation Reports:** Periodically evaluate the effectiveness of road closures and document findings, offering insights into policy performance and areas for improvement.

**15.4. Stakeholder Feedback and Engagement Records:**

**15.4.1. Feedback Documentation:** Record feedback received from the public and stakeholders regarding road closures, including responses and resolutions to issues raised.

**15.4.2. Engagement Activity Records:** Document community engagement activities such as meetings, forums, or surveys conducted in relation to road closures.

**15.5. Amendments and Revisions Documentation:**

**15.5.1. Record of Amendments:** Document any amendments to road closure decisions, including reasons for changes and details of the revised decision.

**15.5.2. Policy Revision Records:** Maintain records of any revisions made to the road closure policy itself, including the rationale and council approvals.

**15.6. Compliance and Legal Documentation:**

**15.6.1. Regulatory Compliance Records:** Keep records demonstrating compliance with legal and regulatory requirements, including environmental assessments, zoning regulations, and permits.

**15.6.2. Legal Challenges and Resolutions:** Document any legal challenges or disputes related to road closures, along with their outcomes and resolutions.

**15.7. Accessibility and Archiving:**

**15.7.1. Public Accessibility:** Ensure that key documents are accessible to the public, either online or through requests, while respecting privacy and confidentiality where necessary.

**15.7.2. Archiving Process:** Implement a systematic archiving process for long-term storage and retrieval of road closure documents.

**16.0 REPEALING:**

**16.1.1.** This policy shall be administered and interpreted by the CAO; however, this policy cannot be amended without Council approval.

**16.1.2.** This policy replaces all previous policies and resolutions that have been passed by the Council of the Rural Municipality of Frenchman Butte No. 501 with respect to the application of any and all parts of this policy and the terms and conditions contained herein.

**16.1.3.** This policy shall come into force and take effect on January 24, 2024, and shall continue in full force and effect until repealed or replaced by subsequent resolution of Council.