

<b>Title: Agricultural Use of Municipal Right-of-Ways</b>		<b>Policy No.: 08-01</b>
<b>Section: 62</b>	<b>Code:</b>	<b>Page No.: 1 of 5</b>

<b>Legislation Reference:</b>	<i>Municipal Government Act, Chapter M26.1, Section 18(1) and Section 545.</i>
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<b>Purpose:</b>	To provide landowners authorization to conduct the agricultural activities of haying or livestock grazing, within the road right-of-ways adjacent to their land.
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<b>Policy Statement and Guidelines:</b>	
<b>1. STATEMENT:</b>	<p>1.3 Smoky Lake County supports local agricultural operations by permitting agricultural haying and grazing within the untraveled portion of the road right-of-ways by issuing haying permits or grazing licenses, which are subject to conditions and seasonal restrictions to ensure public safety and infrastructure integrity.</p>
<b>2. DEFINITIONS:</b>	<p>2.1 <b>License:</b> A formal authorization allowing livestock grazing within the untraveled portion of the road right-of-way, under specific conditions.</p> <p>2.2 <b>Permit:</b> A formal authorization allowing landowners to cut and remove hay the untraveled portion of the road right-of-way, under specific conditions.</p> <p>2.3 <b>Zone:</b> The designated area the untraveled portion of the road right-of-way that can be used for haying or livestock grazing as outlined on the License or Permit application.</p> <p>2.4 <b>Ditch:</b> Drainage areas between the County roads edge and the landowners land(s) that are managed by the municipality.</p> <p>2.5 <b>Temporary Fencing:</b> An easily moveable barrier designed for short-term use to contain livestock. Approved materials consist of electric poly wire, poly tape, or portable mesh netting, supported by stakes or small posts that are quick to install and remove (there shall be no pounding of any wooden posts into County ditches).</p> <p>2.6 <b>Roads Edge:</b> Boundary where gravel/paved surface meets the surrounding natural terrain, such as grass, soil, etc.</p>
<b>3. OBJECTIVE:</b>	<p>3.1 To govern the issuance of Permits and Licenses, authorizing adjacent landowners to utilize the untraveled portion of the road right-of-way for haying and grazing purposes.</p> <p>3.2 To support local agriculture while maintaining the integrity of municipal infrastructure.</p> <p>3.3 To specify the conditions, responsibilities, and requirements for adjacent landowners, to facilitate a structured and mutually beneficial use of municipal lands and ensure compliance from the Permit and License holders.</p>
<b>4. GUIDELINE:</b>	<p>4.1 Applications made under <b>Schedule "A": Haying Permit Application</b> and <b>Schedule "B": Grazing License Application</b>, must be received by the County <b>prior to June 1<sup>st</sup> of each year</b>.</p> <p>4.2 Smoky Lake County may grant landowners, the right to use and occupy a portion of the municipal right-of-way, which is not closer than such distance that may interfere with road grading, snowplowing, or maintenance, to the outer edge of the traveled portion of the road nearest the applicants' land, for purposes of haying or livestock grazing, at the landowners' risk.</p>

<b>Title: Agricultural Use of Municipal Right-of-Ways</b>		<b>Policy No.: 08-01</b>
<b>Section: 62</b>	<b>Code:</b>	<b>Page No.: 2 of 5</b>

<p><b>5. PROCEDURE</b></p> <p>5.1 <b><u>Haying Permit Application:</u></b> Applicants must read and understand the conditions within <b>Schedule "A": Haying Permit Application</b> and complete and submit the application prior to June 1<sup>st</sup> of each year, at no cost.</p> <p>5.2 <b><u>Grazing Permit Application:</u></b> Applicants must read and understand the conditions within <b>Schedule "A": Haying Permit Application</b> and complete and submit the application prior to June 1<sup>st</sup> of each year, at no cost.</p> <p>5.3 <b><u>Right to Enter:</u></b> Smoky Lake County officers, employees, agents and contractors shall have the right at any time to enter upon the municipal right-of-way for the purpose of reconstructing, maintaining, repairing, inspecting, testing or removing any public works, utility or road existing at the date of this agreement, and shall make reasonable effort to communicate the intent to the applicant prior to entry. The County shall in undertaking such activities use reasonable efforts to cause its officers, employees, agents and contractors to minimize any disruption or damage to the landowners use and fence which occurs pursuant to such activities to the extent that any loss, damage or injury shall have been caused by the acts of negligence of the County's officers, employees, agents or contractors.</p> <p>5.4 <b><u>Inspections:</u></b> Smoky Lake County's Agricultural Department staff will conduct periodic inspections to ensure compliance with License and Permit conditions and failure to meet the conditions may result in the License or Permit being immediately revoked.</p> <p>5.5 <b><u>Cancellation or Denial:</u></b> Permits and Licenses may be cancelled or denied at any time with no liability or obligation to the County, under the following circumstances:</p> <p>5.5.1 If spraying schedule priorities for vegetation control on that specific right-of-way cannot be deferred until after the haying or grazing period.</p> <p>5.5.2 If road construction, repair, gravelling or any other maintenance activities are scheduled during the haying or grazing period.</p> <p>5.5.3 If the applicant did not comply with Permit of License conditions previously.</p>		
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	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	<b>January 9, 2025</b>	<b>#216-25 - Page # 15831</b>
<b>Amended</b>		
<b>Amended</b>		

<b>Title: Agricultural Use of Municipal Right-of-Ways</b>		<b>Policy No.: 08-01</b>
<b>Section: 62</b>	<b>Code:</b>	<b>Page No.: 3 of 5</b>

**SCHEDULE "A"**  
**Haying Permit Application**

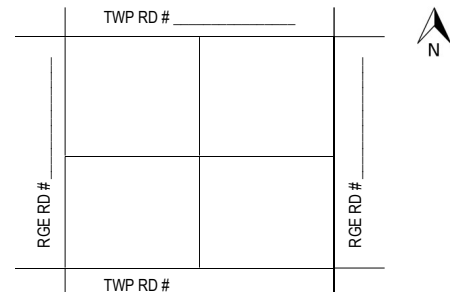
**Applicant Name:** \_\_\_\_\_

**Date of Application:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

Legal Land Description of the Adjacent Lands:

Qrt	Sec	Twp	Rge	Mer
				W4
				W4
				W4
				W4



In consideration of granting this license, the following conditions apply:

1. Up to June 1<sup>st</sup>, priority will be given to applications received from landowners for the purpose of cutting hay along Municipal right-of-way adjacent to their land. Applications received after June 1<sup>st</sup> cannot be guaranteed to be free of herbicide application.
2. Approved permits are valid only from June 15<sup>th</sup> to August 1<sup>st</sup>. All haying operations must be completed by this time.
3. Baled hay must be removed within 7 days of cutting. Permitted bales not removed after 7 days shall, at the discretion of the County, invalidate the permit and be removed by County forces with no liability to the County.
4. Approved permits will be noted by the appropriate County personnel conducting right-of-way and road management.
5. Permits may be cancelled at any time by the County with no liability or obligation from the County to the permit holder.
6. The permit holder indemnifies and saves harmless the County from any claims arising from his/her operations.
7. The permit holder will carry out haying operations in a manner creating no hazard to vehicular traffic.
8. The permit holder will not sublet or sell the rights granted under this permit.
9. The permit holder will satisfy himself as to the presence of herbicides or pesticides.
10. The County reserves the right to enter upon the right-of-way described in this permit for the purposes of weed control, roadside maintenance or any other reason whatsoever.

I (We) hereby agree to, in consideration of the benefit derived by me (us) from the work description above shall indemnify and save harmless Smoky Lake County, its councillors, officers, employees, and agents from any claim, damage, liability, cost, fee, penalty, action, cause of action, demand, damage to property, injury to person/livestock or death (including, without limitation to, legal fees of Smoky Lake County on a solicitor-client full indemnity basis), that may arise directly or indirectly out of the performances of the above described activities.

I (We) have read, understand, and accept the terms and conditions of the policy and of this permit.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Agricultural Fieldman \_\_\_\_\_

Date \_\_\_\_\_

<b>Title: Agricultural Use of Municipal Right-of-Ways</b>		<b>Policy No.: 08-01</b>
<b>Section: 62</b>	<b>Code:</b>	<b>Page No.: 4 of 5</b>

**SCHEDULE "A"**  
**Grazing License Application**

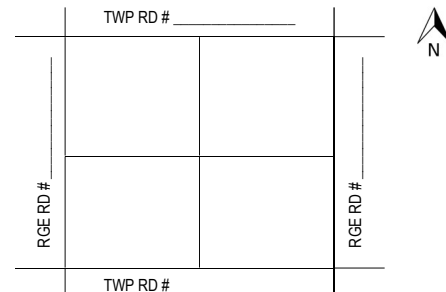
**Applicant Name:** \_\_\_\_\_

**Date of Application:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

Legal Land Description of the Adjacent Lands:

Qrt	Sec	Twp	Rge	Mer
				W4
				W4
				W4
				W4



In consideration of granting this license, the following conditions apply:

1. Up to June 1<sup>st</sup>, priority will be given to applications received from landowners for the purpose of grazing livestock along Municipal right-of-way adjacent to their land. Applications received after June 1 cannot be guaranteed to be free of herbicide application.
2. Approved licenses are valid only from June 15<sup>th</sup> to October 1<sup>st</sup>. All grazing operations must be completed by this time.
3. Temporary electric fences must be removed by October 15<sup>th</sup>, if fences remain and at the discretion of the County, they will be removed by County forces with no liability to the County.
4. Approved license will be noted by the appropriate County personnel conducting right-of-way and road management.
5. License may be cancelled at any time by the County with no liability or obligation of the license holder.
6. The license holder indemnifies and saves harmless the County from any claims arising from his/her operations.
7. The license holder will carry out grazing operations in a manner creating no hazard to vehicular traffic.
8. The license holder will not sublet or sell the rights granted under this license.
9. The license holder will satisfy themselves as to the presence of herbicides or pesticides.
10. The County reserves the right to enter upon the right-of-way described in this license for the purposes of weed control, roadside maintenance or any other reason whatsoever.

I (We) hereby agree to, in consideration of the benefit derived by me (us) from the work description above shall indemnify and save harmless Smoky Lake County, its councillors, officers, employees, and agents from any claim, damage, liability, cost, fee, penalty, action, cause of action, demand, damage to property, injury to person/livestock or death (including, without limitation to, legal fees of Smoky Lake County on a solicitor-client full indemnity basis), that may arise directly or indirectly out of the performances of the above described activities.

I (We) have read, understand, and accept the terms and conditions of the policy and of this permit.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Agricultural Fieldman \_\_\_\_\_

Date \_\_\_\_\_