

# Lac La Biche County *Policy*

**TITLE:** LICENSE OF OCCUPATION POLICY

**POLICY NO:** PD-61-015

**RESOLUTION:** 22.199

**EFFECTIVE DATE:** June 26, 2018

**DEPARTMENT RESPONSIBLE:**  
Planning and Development

**NEXT REVIEW DATE:** March 8, 2025

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## **POLICY STATEMENT:**

Lac La Biche County may consider entering into a License of Occupation Agreement with a person(s) or business(s) who wishes to use land owned by or under the direction, control and management of the County. A License of Occupation Agreement grants permission to the Lessee to use the lands but does not grant exclusive rights to the area.

## **DEFINITIONS:**

"Agricultural License of Occupation" means a License of Occupation Agreement for the use of land for animal life. The uses include, but are not limited to, the pasturing, grazing and watering of livestock

"County" Lac La Biche County.

"County Owned Land" means all land registered in the name of the County which is under the direction, control and or management of the County. This may include parcels of land designated as Municipal Reserve (MR), Environmental Reserve (ER), Reserve (R), School Reserve (SR), Public Utility lots and Road Allowances, as well as easements and right-of-ways registered in the County's name across privately owned land.

"Lessee" means the person(s), business or corporation using the lands for the term of the License of Occupation Agreement.

"License of Occupation Agreement" means a temporary agreement whereby a person(s) or business(s) is granted the right to use land owned by or under the direction, control and management of the County for certain purposes without becoming entitled to exclusive possession of them.

"License of Occupation, Patio/Sidewalk" means a portion of an eating or drinking place that is located on a public sidewalk. This may include the placement of furniture and provides waiter or waitress service.

"Public Thoroughfare" means any right-of-way under the jurisdiction and maintenance of the County which may be used by the public in general and which services as the frontage street to the abutting property.

"Relevant Operating Department" means internal departments of the County and or external organizations that may be affected by the License of Occupation Agreement.

**PRINCIPLES:**

Planning and Development will manage all License of Occupation Agreements as defined under this Policy.

All License of Occupation Agreements shall be for a one (1) year term and shall be renewed annually in January.

Should an applicant request exclusive rights to the lands, Administration shall follow the *Land Lease Policy* PD-61-004.

All fees associated with a License of Occupation Agreement shall be in accordance with the Planning and Development Fees and Fines Bylaw, as amended.

A business owner located along a Public Thoroughfare may wish to enter into a License of Occupation Agreement for the temporary placement of seating or dining furniture (License of Occupation, Patio/Sidewalk). The applicable fees shall be in accordance with the Planning and Development Fees and Fines Bylaw, as amended and shall be renewed annually.

Cutting hay does not fall under the regulations of this Policy.

The County will not consider entering into a License of Occupation Agreement respecting any use of Environmental Reserve land \*see *Encroachment Policy* or any activity that will negatively impact the County’s operations or public safety.

**Suspension of Leases:**

Should the applicant fail to pay the applicable License of Occupation fees or if any additional monies owing as a result of an Agreement are in arrears, the Agreement shall be suspended until the monies owed are paid and current.

License of Occupation Agreements cannot be passed on to another Lessee. A new application shall be submitted along with the payment of the applicable fees for any changes.

“Original Signed” \_\_\_\_\_  
Chief Administrative Officer

March 18, 2022 \_\_\_\_\_  
Date

“Original Signed” \_\_\_\_\_  
Mayor

March 22, 2022 \_\_\_\_\_  
Date

**SPECIAL NOTES/CROSS REFERENCE:** PD-61-015 LICENSE OF OCCUPATION PROCEDURE

**AMENDMENT DATE:** March 8, 2022



# Procedure

**TITLE:** LICENSE OF OCCUPATION PROCEDURE

**PROCEDURE NO:** PD-61-015

**EFFECTIVE DATE:** June 26, 2018

**DEPARTMENT RESPONSIBLE:**  
Planning and Development

**NEXT REVIEW DATE:** March 8, 2025

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## GENERAL GUIDELINES:

These procedures are to ensure that every application is reviewed in a consistent manner. A License of Occupation Agreement authorizes a specific use on County Owned Land which grants the Lessee non-exclusive rights to the lands for a one (1) year term.

## DEFINITIONS:

*See definitions listed in License of Occupation Policy*

## PROCEDURE:

Planning and Development will manage all License of Occupation Agreements for the County, which includes the following:

- Keep record of all requests for a License of Occupation Agreement.
- Send correspondence to Lessee with respect to collecting additional information, termination; expiry or renewal of an existing License of Occupation Agreement; and
- Keep templates up to date and relevant.

Planning and Development will receive all written requests to use County Owned Land. The written request shall include:

- The legal land description and or civic address of the said lands;
- A detailed description of the intended use or activity of the said lands, which may include a map;
- Contact information of the applicant which includes a mailing address and phone number; and
- Current Certificate of title (current within the last thirty (30) days).

Planning and Development will refer the request to the Relevant Operating Department along with:

- A copy of the request and description of the proposal;
- The legal land description and map; and
- Any additional information necessary to render a decision.

Internal Department Referrals:

- Parks & Facilities for parcels designated as Municipal Reserve (MR), Reserve (R) or School Reserve (SR).
- Transportation Services for parcels designated or used as Road, Undeveloped Road Allowance or Road Right of Way.
- Utility Services for parcels designated as Public Utility Lot (PUL) or a Utility Right of Way.
- Environmental Services for all requests for Agricultural Uses.

- The Chief Administrative Officer (CAO) for all other parcels owned by the County.

The Relevant Operating Department is to provide feedback and comment if the proposed use is suitable for the subject parcel of land under their respective area of responsibility.

External Department Referrals:

- Alberta Transportation where the proposal is adjacent to a Provincial Highway.
- Alberta Environment and Parks where the proposal is adjacent to a waterbody.
- Utility Providers in the area and where a right of way is identified on the Certificate of Title.
- Agencies with an interest in the lands, as noted on the Certificate of Title.

Planning and Development may also wish to consult with adjacent landowners if the request is adjacent to a privately owned property.

Once the referral is complete and comments were received, Planning and Development shall:

- Review the comments received.
- If denied, notify the applicant and provide the reason.
- If approved:
  - Prepare the License of Occupation Agreement with applicable schedules for signing.
  - Collect the applicable fees in accordance with Planning and Development Fees and Fines Bylaw, as amended.
  - Update tracking and mapping.

“Original Signed”  
Chief Administrative Officer

March 24, 2022  
Date

**SPECIAL NOTES/CROSS REFERENCE:** PD-61-015 LICENSE OF OCCUPATION POLICY

**AMENDMENT DATE:** March 8, 2022