

Rural Municipality of Val Marie No. 17



A Bylaw to Regulate Activities And Things In, On, Or Adjacent To Municipal Roads

Bylaw No. 2-20

Office Consolidation

February 11, 2020

For Reference Purposes Only –
Not A Certified True Copy Of The Original

This Bylaw was passed on February 11, 2020 and has not been amended since.

BYLAW NO. 2-20

A BYLAW TO REGULATE ACTIVITIES AND THINGS IN, ON, OR ADJACENT TO MUNICIPAL ROADS

The Council of the Rural Municipality of Val Marie No. 17, in the Province of Saskatchewan, enacts as follows:

Short Title

- 1) This Bylaw may be referred to as the Roads Bylaw.

Definitions

- 2) In this Bylaw:
 - a) "Council" means the Council of the Rural Municipality of Val Marie No. 17;
 - b) "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw or, in the absence of a designation by the council, the Administrator;
 - c) "Municipality" means the Rural Municipality of Val Marie No. 17;
 - d) "emergency" means a situation in which there is imminent danger to public safety or of serious harm to property; and
 - e) "municipal road" means a street or road under the direction, control and management of Council by virtue of section 12 of *The Municipalities Act*.
 - f) "undeveloped road allowance" means a road allowance in the municipality that has not been developed as a municipal road; or is not being maintained for the movement of traffic.
 - g) "grid road" means any road identified as such on the most recent R.M. map as posted on the municipalities website.
 - h) "main farm access road" means any road identified as such on the most recent R.M. map as posted on the municipalities website.
 - i) "graveled road" means any road identified as such on the most recent R.M. map as posted on the municipalities website.
 - j) "bladed dirt road" means any road identified as such on the most recent R.M. map as posted on the municipalities website.
- 3) For greater certainty, the term "municipal road" when used in this Bylaw includes any land that is part of the original road allowance or the subject of a registered road plan but does not include: private roads or lanes or provincial highways.

Encumbering of Roads

- 4) No person shall place or leave on or within any municipal road any earth, stones, rubbish, or other objects without the express permission of Council.

Fencing Adjacent to or On a Road Allowance

- 5) No fences or gates will be permitted in the road allowance area of any grid road, main farm access road, or gravelled road of the municipality.

- 6) Gates may be constructed and erected across bladed dirt roads in the municipality provided the gates are clearly marked with high visibility markings and on the condition that the person erecting the gate agrees (i) that users of the road shall not be obliged to close the gates and (ii) that users of the road will not be liable for any damages to the gates.
- 7) Fences are permitted to be constructed across, through or on an undeveloped road allowance.
- 8) Fences shall not be placed down the center of an undeveloped road allowance.

Excavations/Disturbances on Roads

- 9) No person shall make any excavations, or make any other disturbance, on or within any municipal road without the express permission of Council.

Obstructions Adjacent to Roads

- 10) No person shall hereafter plant trees or shrubs or place stones, earth or gravel piles, portable structures, machinery or other objects on private property within:
 - a) 300 feet from the intersection of two or more municipal roads; or
 - b) 150 feet from the center line of any municipal road.
- 11) Section 10 does not apply to any fence as described in The Line Fence Act situated along any developed road allowance.

Permits

- 12) Notwithstanding sections 4, 5 and 9 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, stones, fences or other objects, or the making of any excavations, on or within any municipal road, can be done (i) without compromising the safety, health or welfare of people or (ii) without damage to the municipal road or other property, give permission to a person to do the same.

Enforcement of Bylaw

- 13) The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer.

Order to Remedy Contravention

- 14) If a Designated Officer finds that a person has contravened paragraphs 4, 5 or 9 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.
- 15) The written order shall state:
 - a) what is to be done to remedy the contravention;
 - b) the time within which the person must comply with the direction; and
 - c) that if the person does not comply with the direction within the time specified the Municipality may do what is required to be done at the expense of the person.

Service of Orders

16) Orders given under Bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

Municipality Remediating Contravention

17) In the event an order issued pursuant to section 15 of this Bylaw is not complied with within the time specified, the Municipality may take whatever actions or measures are necessary to remedy the contravention.

18) In an emergency the Municipality may take whatever actions or measures are necessary to eliminate the emergency, in accordance with section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

19) Any expenses incurred by the Municipality in remediating a contravention of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.

20) The Municipality may add any costs incurred in eliminating an emergency to the tax roll of any property in the Municipality in respect of which the person who caused the emergency is the assessed person, in accordance with section 369 of *The Municipalities Act*.

Offences and Penalties

21) No person shall:

- a) fail to comply with an order made pursuant to this Bylaw;
- b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- c) fail to comply with any other provision of this Bylaw.

22) Every person who contravenes any provision of section 21 is guilty of an offence and liable on summary conviction:

- a) in the case of an individual, to a fine of not more than \$10,000;
- b) in the case of a corporation, to a fine of not more than \$25,000; and
- c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Coming Into Force

23) This Bylaw shall come into force on the day of its final passing.

24) Bylaw 5-16 and Bylaw 2-93 are hereby repealed.