

# BYLAW NO. 214/10

## Rural Municipality of Moosomin No. 121

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

The Council of the Rural Municipality of Moosomin No. 121, 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 Moosomin No. 121;
  - 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 Moosomin No. 121;
  - 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*.
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.

#### Prohibitions

4. No person shall place or leave or cause to be placed or left on or within any municipal road any earth, stones, rubbish, fences or other objects without the express written permission of Council.
5. No person shall clear or cause to be cleared any brush or trees on or within a municipal road without the express written permission of Council. Provided, however, that it shall be permissible to clear the width of a dozer blade for the purpose of erecting a new fence along a property line. Any brush or trees cleared shall be removed from the municipal road.
6. No person shall spray or cause to be sprayed any herbicide or pesticide on a municipal road without the express written permission of Council.
7. No person shall burn or cause to be burned any crop, hay, grass, brush, weeds, rubbish or other object on or within a municipal road without the express written permission of Council.
8. No person shall place or cause to be placed on any municipal road any object that is likely to interfere with traffic on the municipal road, or otherwise obstruct or interfere with the public's access to or use of the municipal road, without the express written permission of Council.

9. No person shall make or cause to be made any excavations on or within any municipal road without the express written permission of Council.

10. The person doing the work must have the written permission from council on their person when carrying out any work on the municipal road.

#### **Enforcement of Bylaw**

11. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer.

#### **Order to Remedy Contravention**

12. If a Designated Officer finds that a person has contravened any of paragraphs 4 to 9 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.

13. 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**

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

#### **Municipality Remediating Contravention**

15. In the event an order issued pursuant to section 12 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.

16. 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**

17. Any expenses incurred by the Municipality in remediating a contravention of sections 4 to 9 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.

18. 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**

19. 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.

20. Every person who contravenes any provision of this Bylaw 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**

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

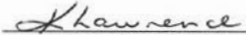
  
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 Reeve

[Seal]


  
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 Administrator

Read a third time and adopted  
this 10<sup>th</sup> day of June, 2010.

*Section 8(1)(g) The Municipalities Act*

  
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 Administrator

CERTIFIED a true copy of Bylaw No. 214/10  
adopted by resolution #10- of Council on the  
10<sup>th</sup> day of June 2010.

  
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 Kendra L. Lawrence, R.M. Admin