

RURAL MUNICIPALITY OF KINISTINO NO. 459
BYLAW NO 08/10

**A BYLAW TO REGULATE ACTIVITIES AND THINGS IN OR ON
MUNIIPCAL ROADS**

The Council of the Rural Municipality of Kinistino No. 459, 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 Kinistino No. 459;
 - b) "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as the 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 Kinistino No. 459
 - 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) "other objet" does not include fence lines.
3. For greater certainty, the term "municipal road" when used in this Bylaw includes an land that is part of the original road allowance or the subject of a registered road plan.

Encumbering of Roads

4. No person shall plant trees or shrubs or place or leave on or within the following distances of any municipal road any earth, stones, rubbish, gravel piles, portable structures, machinery or other objects without the express permission of Council:
 - a) 3.1 metres (10.17 feet) of the right of way of any road; or
 - b) 90 metres (295.29 feet) from the intersection of the centre lines of two or more roads.

Excavations on Roads

5. No person shall make any excavations on or within the following distances any municipal road without the express permission of Council.
 - a) 3.1 metres (10.17 feet) of the right of way of any road.

Enforcement of Bylaw

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

Order to Remedy Contravention

7. If a Designated Officer finds that a person has contravened paragraphs 4 or 5 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.
8. 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

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

Municipality Remediating Contravention

10. In the event an order issued pursuant to section 7 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.
11. 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

12. Any expenses incurred by the Municipality in remediating a contravention of section 4 or 5 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.
13. 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

14. 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.

15. Every person who contravenes any portion of section 14 is guilty of an offence and liable on summary conviction:

- a) in the case of an individual, to a fine or not more than \$10,000;
- b) in the case of a corporation, to a fine of not more than \$25,000.00; and
- c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

Repeal of Former Bylaws

16. Bylaw #2002-03, A Bylaw to Prohibit Obstructions Adjacent to Certain Right of Ways and all amendments thereto are hereby repealed.

Coming Into Force

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

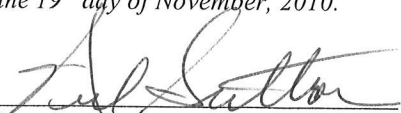



REEVE


ADMINISTRATOR

Section 8(1)(g) The Municipalities Act

*Certified a true copy of Bylaw 08/10,
adopted by resolution of Council on
the 19th day of November, 2010.*


Reeve


Administrator

