

RURAL MUNICIPALITY OF BENGOUGH NO. 40

BYLAW NO. 79.2022

A BYLAW TO REGULATE THE PLACEMENT OF BUILDINGS, TREES, SHRUBS, STONES, EARTH, GRAVEL, PORTABLE STRUCTURES OR MACHINERY WITHIN A CERTAIN DISTANCE OF MUNICIPAL ROADS

The Council of the Rural Municipality of Bengough No. 40 in the Province of Saskatchewan, enacts as follows:

1. This bylaw shall be known as the "Placement of Buildings & Other Objects Bylaw"
2. In this bylaw the expression:
 - a. "Council" shall mean the Council of the Rural Municipality of Bengough No. 40
 - b. "Designated Officer" shall mean an employee, or agent of the Municipality appointed by the 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 for the Rural Municipality of Bengough No. 40
 - c. "Municipality" means the Rural Municipality of Bengough No. 40; and
 - d. "Municipal Road" shall mean a street or road under the direction, control and management of Council by virtue of Section 12 of *The Municipalities Act*
 - e. "Other Object" does not include fence lines
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
4. Placement of Buildings and other objects:
No person shall hereafter plant trees or shrubs, or place any buildings, stone, earth or gravel piles, portable structures or machinery or other objects on private property within:
 - a. 46 metres (150 feet) from the centre line of any municipal road;
 - b. 90 metres (295 feet) from the midpoint of the intersection of two or more municipal roads.
5. For the purposes of fence lines:
 - a. Fence lines may be constructed anywhere on private land, so long as it is on private owner boundaries;
 - b. No person shall hereafter construct a fence on any municipal right-of-way
6. Notwithstanding Section 4 of this Bylaw, Council may at its discretion, upon application and due to existing physical or other circumstances peculiar to the site specified in the application, permit a building to be placed in proximity to a municipal road or the intersection of two or more municipal roads within, meaning a lesser distance than, the distances so specified in Section 4
7. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer
8. If a Designated Officer finds that a person has contravened Sections 4 or 5 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.

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9. 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 should the person not comply with the direction within the time specified, then the Municipality may do what is required to be done at the expense of the person
10. Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*
11. 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
12. 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*
13. Any expenses incurred by the Municipality in remedying a contravention of Section 4 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.
14. 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*.
15. No person shall:
 - a. Fail to comply with an order made pursuant to this Bylaw;
 - b. Obstruct or interfere with any Designated Officer of any person acting under authority of this Bylaw; or
 - c. Fail to comply with any other provision of this Bylaw
16. Every person who contravenes any provision of Section 14 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
17. Bylaw 199.2000 is hereby repealed
18. This Bylaw shall come into force and have effect on the date of final passing thereof

Certified a true copy of
Bylaw No. 79.2022 adopted by
Resolution of Council on
The 14 day of April, 2022.



Guyana Hoffert
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[Signature]
Administrator

Guyana Hoffert
REEVE

[Signature]
ADMINISTRATOR

