

ROAD BYLAW

RURAL MUNICIPALITY OF WALPOLE NO. 92

BYLAW NO 8/2021

A BYLAW TO REGULATE ACTIVITIES AND ISSUES IN OR ON MUNICIPAL ROADS

The Council of the Rural Municipality of Walpole No. 92 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 Walpole No. 92;
 - 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 Walpole No. 92;
 - 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 verbal or written permission from either the Division Councillor or from the Council.
5. No person shall clear or cause to be cleared any brush, trees, or vegetation on or within a municipal road without verbal or written permission from either the Division Councillor or from the 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.
 - a) Cleared brush, trees, or vegetation on or within a municipal road must be removed within eighteen months (18) of council approval or notification to remove the clearing.
6. No person shall spray or cause to be sprayed any herbicide or pesticide on a municipal road without verbal or written permission from either the Division Councillor or from the 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 verbal or written permission from either the Division Councillor or from the 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 verbal or written permission from either the Division Councillor or from the 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. An exception will be made for situations where adjacent landowners have cultivated up to the edge of the road surface, provided the public's right to make use of a road is not in any way hindered. The person doing the work must stay back approximately 1 to 2 feet from the start of the backslope on raised dirt roads.

10. The Division Councillor has the authority to approve small projects at their discretion within the road allowances in their division. It shall be the Councillor's responsibility to report to the Council, after the fact, of any projects they have approved in their Division. All requests for large projects within the road allowance must be taken directly to the Council for a decision. Each case shall be looked at on an individual basis and the decision of the Council will be final.

11. 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

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

Order to Remedy Contravention

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

14. 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

15. Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

Municipality Remedying Contravention

16. If the landowner does not agree with the decision of their Councillor, they may appeal the decision by bringing the issue directly to the Council on the Whole. The decision of the Council will be final.

17. 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.

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 remedying a contravention of Sections 4 to 9 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 this Bylaw is guilty of an offence and liable on summary conviction in accordance with the General Penalty Bylaw No. 1/2013:

- 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.

Repeal Previous Bylaws

23. Bylaw No. 2/2015 is hereby repealed.

Coming Into Force

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



Reeve

Administrator

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

Read a third time and adopted
this 17th day of November, 2021.

Administrator

**Certified a true copy of Bylaw No. 08/2021
adopted by Resolution of Council on the
17th day of November, 2021.**

Administrator

