

Roads Bylaw

RURAL MUNICIPALITY OF BEAVER RIVER NO. 622

BYLAW No. 02-21

**A BYLAW TO REGULATE ACTIVITIES AND THINGS IN
OR ON MUNICIPAL ROADS/ROAD ALLOWANCE**

The Council of the Rural Municipality of Beaver River No. 622, 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 Beaver River No. 622;
 - 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;
 - c. "Municipality" means the Rural Municipality of Beaver River No. 622;
 - d. "emergency" means a situation in which there is imminent danger to public safety or of serious harm to property;
 - 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*; and
 - f. "Road allowance" means a road allowance laid out pursuant to the authority of an Act or an Act of the Parliament of Canada and established as part of the original quadrilateral township system of survey.
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.

Encumbering of Municipal Roads and/or Road Allowances

4. No person shall place, leave or bury on or within any municipal road or other public place any earth, stones, rubbish, fences, dust control products or other objects without the express permission of Council.

Excavations on Roads and/or Road Allowances

5. No person shall make any excavations including alterations, re-shaping, construction of any kind and additions on or within any municipal road without the express permission of Council.

Brush, Trees and Other Road Obstructions

6. No person shall plant, remove or bury any sorts of trees, shrubs or live plants on or within any municipal road without the express permission of Council. No person shall allow trees to overhang on any municipal road. Trees growing in unsafe locations which may affect sight lines may be cut back.
7. Placing or leaving of stone piles, portable structures, machinery or other objects within any municipal road is hereby prohibited.

Permits

8. Notwithstanding sections 4 and 5 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, fences or other objects, or the making of any excavations, on or within any municipal road, can be done:
 - a. without compromising the safety, health or welfare of people; or
 - b. without damage to the municipal road or other property, give authorization to a person to do the same.
9. Authorization shall be acquired in such form as determined in Schedule "A" (Road Allowance Construction Permit Application), as attached hereto and forming part of this bylaw. Approval shall be issued in the form of Council resolution.
10. Notwithstanding sections 6 of this Bylaw, Council may, if satisfied that the removal of any sorts of trees, shrubs or live plants, on or within any municipal road, can be done:
 - c. without compromising the safety, health or welfare of people; or
 - d. without damage to the municipal road or other property, give authorization to a person to do the same.
11. Authorization shall be acquired in such form as determined within Policy 300-04 – Transportation – Brushing/Clearing of RM Road Allowances (Road Allowance Brushing Application). Approval shall be issued in the form of Council resolution.

Enforcement of Bylaw

12. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer. If no designated officer has been appointed, then the Administrator of the Rural Municipality is the Officer.

Order to Remedy Contravention

13. If a Designated Officer finds that a person has contravened sections 4 through 8 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 serviced in accordance with section 390 of *The Municipalities Act*.

Municipality Remediating Contravention

16. In the event an order issued pursuant to section 14 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.
17. 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

- 18. Any expenses incurred by the Municipality in remedying a contravention of sections 4 through 7 of this Bylaw, may be recovered by civil action for debt in a court of competent jurisdiction.
- 19. 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

- 20. 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.
- 21. Every person who contravenes any provision of section 19 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 \$2,500.00 per day.

Coming Into Force

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



 Kevin Turchyn/Reeve





 Nicole Neufeld, Administrator

Read a first time this 20th day of May, 2021
 Read a second time this 20th day of May, 2021
 Read a third time this 20th day of May, 2021 and adopted.

Certified a True Copy of Bylaw # 02-21
 Passed this 20 day of May, 2021.

 Sharon Stacey
 Administrator
 Rural Municipality of Beaver River No. 622

 