

**RESORT VILLAGE OF TOBIN LAKE
BYLAW NO 06/2018**

A BYLAW TO PROHIBIT THE ALTERATION OF ROADWAYS

The Council of the Resort Village of Tobin Lake, in the Province of Saskatchewan enacts as follows:

SHORT TITLE

This bylaw shall be referred to as the "*Road Alterations Bylaw*".

1. DEFINITIONS

In this bylaw:

- a) "Administrator" shall mean the administrator of the municipality;
- b) "Applicant" means landowner or its agents;
- c) "Approach" means an improved surface that serves as a private crossing of a municipal right of way (ie, ditch);
- d) "Conforming approach" means an approach that is not a non-conforming approach;
- e) "Council" shall mean the council of the municipality;
- f) "Culvert" means a sub-surface pipe made of approved corrugated steel, or any other such material approved by the Municipality or designate, which acts as a conduit for water;
- g) "Ditch" means the channel located within the road right of way, including the side slopes up to the edge of the shoulder on the one side and up to the property line of the adjacent property on the other side;
- h) "Land owner" means the owner of the property to which the approach would or does not grant access
- i) "Non-conforming approach" means an approach constructed on or after the date on which this bylaw comes into force that does not comply with the conditions contained within this bylaw;
- j) "Municipality" shall mean the Resort Village of Tobin Lake;
- k) "Road right of way" means the portion of the road allowance from the edge of the roadway to the property line of the adjacent property, including shoulder and ditch;
- l) "Roadway" means the portion of a public highway designed for vehicular travel;
- m) "Shoulder" means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel, for the use of vehicles;

GENERAL PROHIBITIONS:

2. No person, corporation or entity shall construct, relocate, or alter an approach without first having obtained written consent from council.
3. No person, corporation or entity shall construct, relocate or alter trenches, speed bumps, or other designs which may affect the drainage of water or other material, onto or beside the roadways of the municipality.

4. No person, corporation or entity shall build up the road at their approach or property lines, which may affect the Municipality's access to curb stops.
5. No person, corporation or entity shall alter, re-shape, or clear a roadway within the Municipality, unless engaged as an employee or agent of the Municipality for the purposes of road maintenance.

REQUIREMENTS:

6. Requests for approach alterations must be set out in writing, by the landowner or agent, explaining the need for the alteration; the proposed date of construction, the length of time expected to complete the construction and the benefit which is expected to be obtained by the alteration.
7. If, after completion of an inspection of the proposed construction site, the council is satisfied that an application for an approach approval complies with the provisions of this bylaw, written notice of approval shall be provided by the Administrator. Written notice shall include any special conditions and the minimum required culvert size, if required.
 - a) All approaches shall be constructed in conformance with all existing government regulations, municipal regulations and/or bylaws and comply with the conditions and minimum required culvert size specified in the written notice of approval.
8. The Applicant shall not commence construction prior to receiving written notice of approval or continue construction four (4) months from the date of the written notice of approval or any period shorter or longer as specified within the written notice of approval. It is the responsibility of the Applicant to allow sufficient time for their application to be processed prior to the intended commencement date of constructions and to complete the construction within the allotted time. Any costs of inconvenience resulting from delays shall be borne by the Applicant. If cleanup is not completed within the specified period, the Municipality may undertake the work and invoice the land owner for the costs incurred to the Municipality, plus a 25% penalty surcharge or fines as may be set out herein.
9. Approaches shall be constructed with clean earth, free from objectionable material such as organic matter, frozen topsoil, stumps, trees and rocks.
10. All construction and all costs of construction are the responsibility of the Applicant. This includes all materials, equipment rentals or purchases, labour costs or any other costs required to complete construction.
11. The approach shall be constructed with no resulting damage to the road shoulder, road surface, side slopes and/or ditches.
12. The applicant shall be responsible to locate all existing utilities within the right of way and ensure that construction does not result in any damage or interference.

NON-CONFORMING APPROACHES:

13. Upon identification of a non-conforming approach, written notice shall be provided by council or the Administrator, to the landowner, specifying the remedial work that must be carried out.
14. If the land owner has not completed the remedial work to the satisfaction of the Municipality within 21 days of delivery of the written notice, or if, in the opinion of the Municipality there is a transportation or safety issue, within the shorter period specified in the written notice, the Municipality may order the remedial work to be done at the landowner's expense, and all costs incurred by the Municipality in completing the remedial work shall be paid by the landowner, including 25% penalty surcharge, or fines as may be set out herein.

CLOSURE OF AN APPROACH:

15. Every person who closes an approach shall reinstate, at his/her/their expense, the shoulder and the ditch to the Municipality standards. Failure to do so shall result in the approach being declared as a non-conforming approach.

MAINTENANCE AND UPKEEP OF APPROACHES:

16. The maintenance and upkeep of approaches is the sole responsibility of the landowner of the property to which the approach grants access.

APPROACH MODIFICATIONS REQUIRED FOR MUNICIPALITY:

17. Where the Municipality undertakes constructions or reconstruction work that affects a conforming approach, the municipality shall undertake any reconstruction of the approach made necessary by the construction or reconstruction at no cost to the owner.

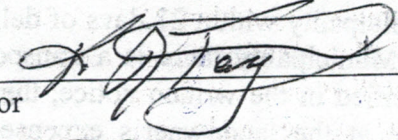
OFFENCES AND PENALTIES:

18. Any person, corporation or entity who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not less than:
 - a) In the case of an individual, to a fine not less than \$500, not including surcharge;
 - b) In the case of a corporation, to a fine not less than \$1,000, not including surcharge.
19. When a person is charged with the contravention of a section of this bylaw, a peace officer may issue a summary offence ticket which allows that person the opportunity to concede and voluntarily pay a fine of \$350, in addition to any surcharge calculated in accordance with *The Victims of Crime Regulations*.


COMING INTO FORCE

20. This bylaw shall come into force and take effect on final passing thereof.





Mayor



Administrator

Read a third time and adopted
this 26 day of April, 2018



Administrator

*Certified a true copy of
Bylaw No. 06/2018 passed
by resolution of Council on
April 26, 2018.*