

RURAL MUNICIPALITY OF KELVINGTON NO. 366

BYLAW 101-2023

A BYLAW TO REGULATE THE USE OF MUNICIPAL ROADS

The Council of the Rural Municipality of Kelvington No. 366, in the Province of Saskatchewan, enacts as follows:

Short Title

1. This Bylaw may be referred to as the Road Use Bylaw.

Definitions

2. In this bylaw:

- (1) “**Council**” means the Council of the Rural Municipality of Kelvington No. 366;
- (2) “**Designated Officer**” means an employee or agent of the Municipality appointed by Council to act as a municipal enforcement officer for the purposes of this Bylaw or, in the absence of a designation by the council, the Administrator;
- (3) “**emergency**” means a situation in which there is imminent danger to public safety or of serious harm to property;
- (4) “**Municipality**” means the Rural Municipality of Kelvington No. 366;
- (5) “**municipal road**” means a roadway including the shoulder of the roadway or road allowance under the direction, control and management of Council by virtue of section 12 of *The Municipalities Act*;
- (6) “**park**” means the standing of a vehicle, whether occupied or not, on a municipal road, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations, traffic signs or signals, or the direction of a traffic officer or constable;
- (7) “**vehicle**” means a device in, on or by which a person or thing is or may be transported or drawn on a municipal road as defined by or pursuant to *The Traffic Safety Act* and includes but is not limited to motor vehicles, farm implements, towed mobile equipment or recreational vehicles.

Parking on Municipal Roads

3. Parking on a municipal road shall only be allowed temporarily and the vehicle must not obstruct the municipal road.

Camping Prohibited on Municipal Roads

4. No person shall be allowed to camp on any municipal road.

Signs

5. No person shall deface, injure, destroy or remove any sign or marker erected by the municipality for the purposes of this Bylaw.

Encumbrances on Municipal Roads

6. (1) Unless authorized by council, no person shall excavate on any municipal road or remove any aggregate materials including but not limited to dirt, gravel or clay from any municipal road or property owned by the municipality.

(2) Adjacent farmers may extend their regular farmland cultivation on to the road allowance, where it is practical to do so, but only to the side slope of the road and with the understanding that if Council deems it necessary to utilize the full road allowance that any farmland cultivation within the road allowance may be removed without compensation to the farmer.

(3) No person shall place or deposit any earth, snow or ice, stones, rubbish, sewage, dead animals, junked or abandoned vehicles or any other object or substance that may in any way hinder either the maintenance of or the public’s right of passage over a municipal road or other public place in the municipality.

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(4) No person shall erect a fence, gate, sign, other structures (permanent or portable) or plant any trees or other vegetation or place stones, dirt, or gravel piles or park machinery or other objects:

(a) on any part of a municipal road or road allowance or on property owned by the municipality; or

(b) within one hundred and fifty (150) feet from the centre line of any municipal road; or

(c) within three hundred (300) feet from the intersection of two (2) or more roads; or

(d) Council may from time to time provide for the removal, at the Municipalities expense, of trees and other vegetation growing on private property that is within one hundred and fifty (150) feet from the centre line of any municipal road or within three hundred (300) feet from the intersection of two (2) or more roads.

(e) Section 4(d) shall not apply to shelter belts planted prior to the passing of this bylaw and located within one hundred and fifty (150) feet but more than seventy-five (75) feet from the centre line of a municipal road at a place other than an intersection of roads unless permission is granted by the landowner.

Ploughing on Municipal Road

7. No person shall plough on a municipal road or portion thereof unless authorized by council.

Snow Ridges and Snow Fences

8. A person designated by Council shall notify the landowner where practical and may with the owner's permission, enter on land adjoining any highway or road allowance for the purpose of making snow ridges or erecting snow fences as a measure to prevent the blocking of highways by snow drifts.

Enforcement of Bylaw

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

(1) Order to Remedy Contravention: If a Designated Officer finds that a person has contravened sections 3, 4, 5, 6 and/or 7 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.

(a) The written order shall state:

i. What is to be done to remedy the contravention;

ii. The time within which the person must comply with the direction; and

iii. 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.

(2) Service of Orders: orders given under this Bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

(3) Municipality Remediating Contravention: in the event an order issued pursuant to section 9(1) 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.

(a) 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*.

(4) Recovery of Unpaid Expenses and Costs: any expenses incurred by the Municipality in remediating a contravention of sections 3 to 7 of the Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.

(a) 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*.

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(5) Offences and Penalties:

(a) No person shall:

- i. Fail to comply with an order made pursuant to this Bylaw;
- ii. Obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- iii. Fail to comply with any other provision of this Bylaw.

(b) Every person who contravenes any provision of section 9(5)(a) is guilty of an offence and liable on summary conviction:

- i. In the case of an individual, to a fine of not more than \$10,000;
- ii. In the case of a corporation, to a fine of not more than \$25,000; and
- iii. In the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Repeal Previous Bylaws

10. The following Bylaws are hereby repealed:

- Bylaw No. 4/80: A Bylaw Restricting Ploughing, Encumbering and Obstructing Roads;
- Bylaw No. 3/80: A Bylaw to Compel the Removal of Dirt, Stones, Filth or Rubbish from Public Places;
- Bylaw No. 7/79: A Bylaw Relating to the Planting of Trees or Shrubs or the Placing of Stone Piles or Other Objects Adjacent to Certain Highways.

This Bylaw shall come into force and take effect on the date of the final passing thereof.

{Seal}

Maurice Patenaude, Reeve

Heather Elmy, Administrator

Introduced and read a first time this 12th day of October, 2023.

Read a second time this 12th day of October, 2023.

Read a third time and passed this 12th day of October, 2023.

Certified a true copy of Bylaw 101-2023

Adopted by resolution of council on the

12th day of October, 2023.

Reeve

Administrator