

RURAL MUNICIPALITY OF NIPAWIN NO. 487

BYLAW NO 10-2016

A BYLAW OF THE RURAL MUNICIPALITY OF NIPAWIN NO. 487 TO REGULATE THE CONSTRUCTION, MODIFICATION AND MAINTENANCE OF APPROACHES

The Council of the Rural Municipality of Nipawin No. 487, in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This bylaw shall be referred to as the “Approach Bylaw”

DEFINITIONS

2. For the purpose of this bylaw the expression:
 - a) “approach” means an improved surface that serves as a private crossing of a municipal right of way (i.e. ditch);
 - b) “conforming approach” means an approach that is not a non-conforming approach;
 - c) “culvert” means a sub-surface pipe of Canada 3 G401-M81 approved corrugated steel, or any other such material approved by the Foreman or designate, which acts as a conduit for water;
 - d) “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;
 - e) “grade” means the percentage (%) rate of the rise or fall of the approach with respect to the horizontal;
 - f) “intersection” means the area within the projection or connection of the lateral boundary lines of two or more highways that meet one another at an angle whether or not one highway crosses the other;
 - g) “land-owner” means the owner of the property to which the approach would or does grant access;
 - h) “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;
 - i) “RM” means the Rural Municipality of Nipawin No. 487;
 - j) “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;
 - k) “roadway” means the portion of a public highway designed for vehicular travel;
 - l) “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;
 - m) “Foreman” means the Foreman of the RM or a designate of the Foreman;

INTERPRETATION

3. a) Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this bylaw.
- b) This bylaw includes the Schedule annexed hereto and the Schedule is hereby declared to form part of this bylaw.
- c) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- d) In this bylaw, a word interpreted in the singular number has a corresponding meaning when used in the plural.

APPLICATION FOR APPROACH APPROVAL

4. a) No person shall construct, relocate, or alter a private approach without first obtaining a written notice of approval from the RM Foreman.
- b) Applications for approach approval shall be submitted to the RM and will consist of a \$50.00 inspection fee along with a completed Application for Standard Approach Approval, attached as Schedule A. Flags/stakes must be used to mark the proposed location of the approach and be indicated on the completed diagram included on the application form.
5. An application for approach approval under this bylaw shall be made by the land-owner or an authorized representative of the owner.
6. If, after completion of an inspection of the proposed construction site, the Foreman 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 RM Foreman. Written notice shall include any special conditions and the minimum required culvert size.
7. All approaches shall be constructed in conformance with all existing government regulations, RM regulations 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 after six (6) 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 construction and to complete the construction within the allotted time. Any costs or inconvenience resulting from delays shall be borne by the Applicant. If cleanup is not completed within the specified period the RM may undertake the work and invoice the land-owner for the costs incurred to the RM, plus a 20% penalty surcharge.

GENERAL REGULATIONS

9. The approach shall be constructed with clean earth, free from objectionable material such as organic matter, frozen soil, topsoil, stumps, trees and rocks.
10. All approaches shall be constructed:

- a) At least 85 meters away from the centerline of an intersection
 - b) At an angle of 90 degrees to the roadway centerline
 - c) To slope away from the roadway with a grade slope between 5 -- 6 %.
11. No approach shall be constructed in such a manner as to restrict sight lines or in any way adversely affect traffic safety.
12. 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.
13. Material from within the municipal road right-of-way shall not be used for construction of the approach.
14. The approach shall be constructed with no resulting damage to the road shoulder, road surface, side slopes and/or ditches.
15. 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.
16. Approach must have a minimum top width of 7 meters and 5:1 side slope construction, as specified in drawing A-A and B-B, attached as Schedule B.
17. All culverts shall be Canada 3 G401-M81 approved corrugated steel pipe and shall meet or exceed the minimum culvert size specified in the written notice of approval. The pipe shall be installed true to grade line and as per installation specifications outline in drawing A-A and B-B, attached as Schedule B. Rip rap shall be placed to prevent erosion, if necessary.

NON-CONFORMING APPROACHES

18. Upon identification of a non-conforming approach written notice shall be provided to the land-owner specifying the remedial work that must be carried out.
19. If the owner has not completed the remedial work to the satisfaction of the Foreman within 30 days of delivery of the written notice or if, in the opinion of the Foreman there is a transportation or safety conflict, within the shorter period specified in the written notice, the Foreman may order the remedial work to be done at the land-owner's expense, and all costs incurred by the RM in completing the remedial work shall be paid by the owner, including a 20% penalty charge.

CLOSURE OF AN APPROACH

20. Every person who closes an approach shall reinstate, at his or her expense, the shoulder and ditch to RM standards. Failure to do so shall result in the approach being declared a non-conforming approach.

MAINTENANCE & UPKEEP OF APPROACHES

21. The routine maintenance and normal repair and upkeep of the portion of the approach within the municipal right of way is the responsibility of the municipality unless damage is caused by the property owner.

APPROACH MODIFICATIONS REQUIRED TO PUBLIC WORKS

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

23. Bylaw No. 4-2015 is hereby repealed.





Reeve



Administrator

Read a third time and adopted
this 9th day of August, 2016.



Administrator



"Certified to be a true copy of Bylaw No. 10-2016
adopted by the council of the Village of Codette
on the 9th day of August, 20 16."

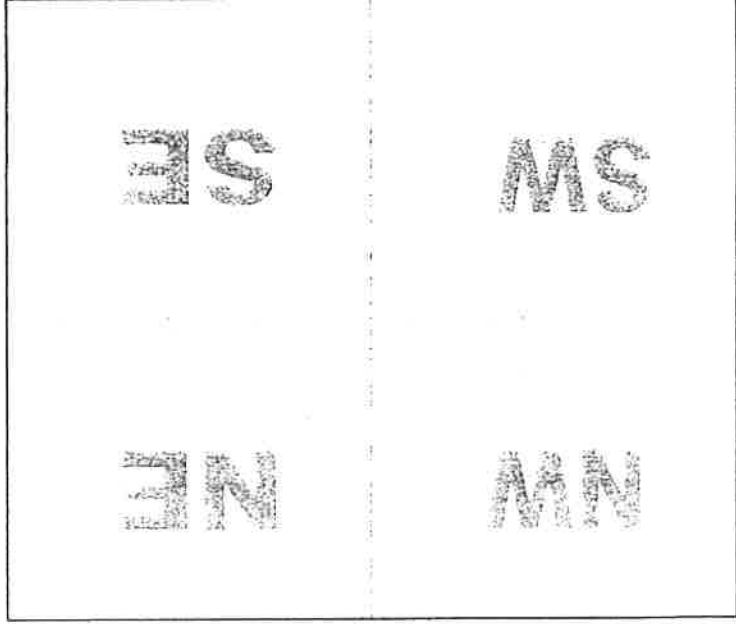


Administrator

SCHEDULE "A"
APPLICATION FOR STANDARD APPROACH APPROVAL

Application for Standard Approach Approval

Please indicate on diagram proposed location of the new approach, including locations of flags/stakes. The completed form and \$50 inspection fee can be submitted to the RM Office in Codette, Saskatchewan.



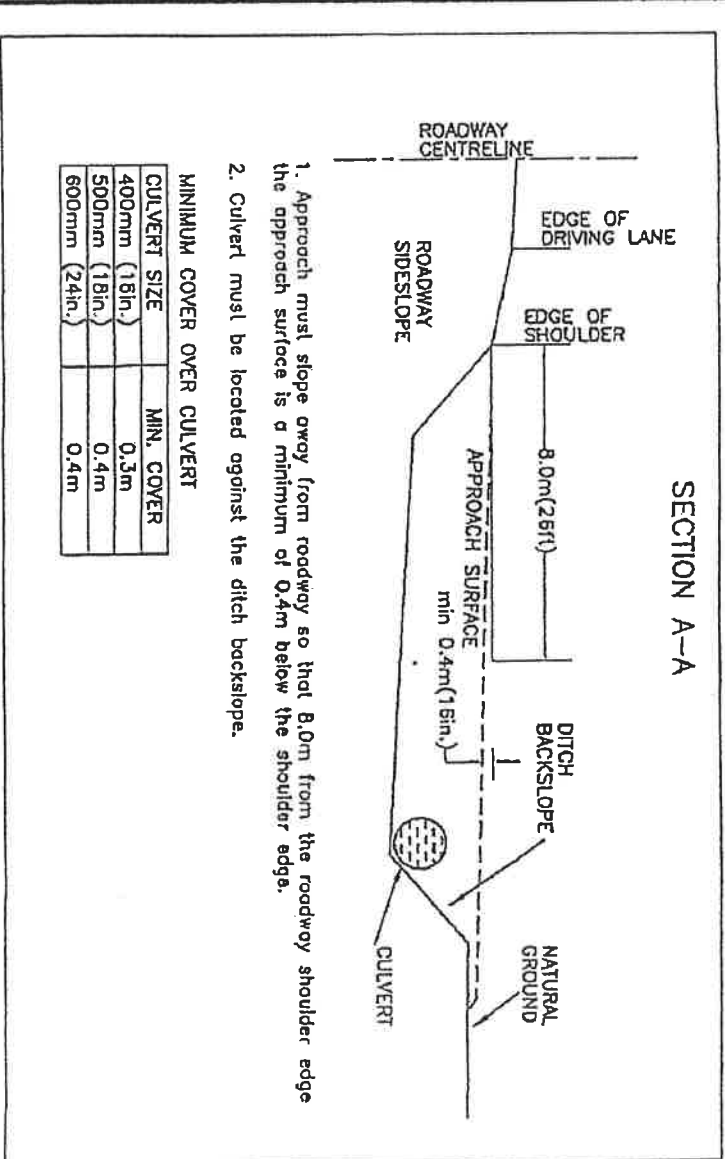
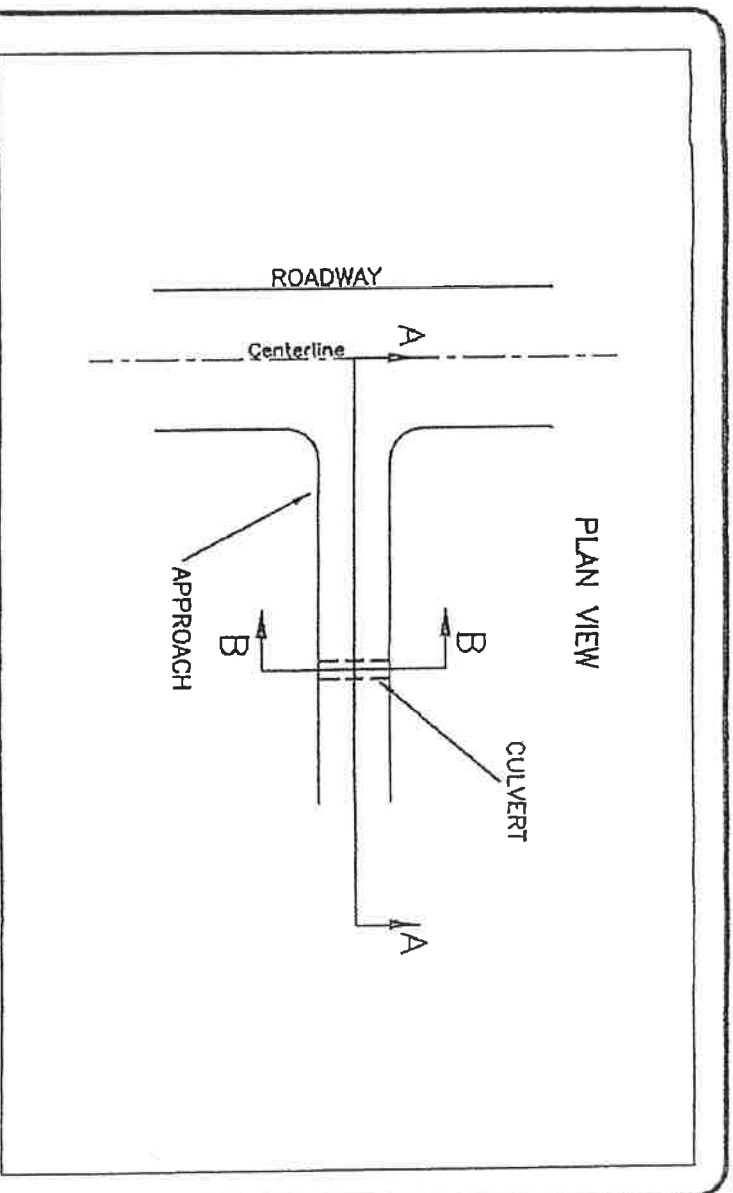
FOR OFFICE USE ONLY	
Date Application Received:	Date Response Letter Sent to Applicant:
Staff Name:	Approved: YES NO
Date of Inspection:	Culvert Size: _____ mm



Legal Land Location:	Applicant Name:	Land Owner (if not applicant):	Mailing Address:	Applicant Phone Number:
Please Note:				
<ul style="list-style-type: none"> • A culvert is required for all new approaches, the size to be determined by RM. • The RM is not obligated to construct, or provide compensation for the construction, of any approach. • All approaches must conform to Bylaw No. 10-2016 				
Land-Owner Signature _____				

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TO REGULATE THE CONSTRUCTION, MODIFICATION & MAINTENANCE OF APPROACHES

SCHEDULE "B"
STANDARD APPROACH PLAN VIEW AND SECTIONS A-A & B-B



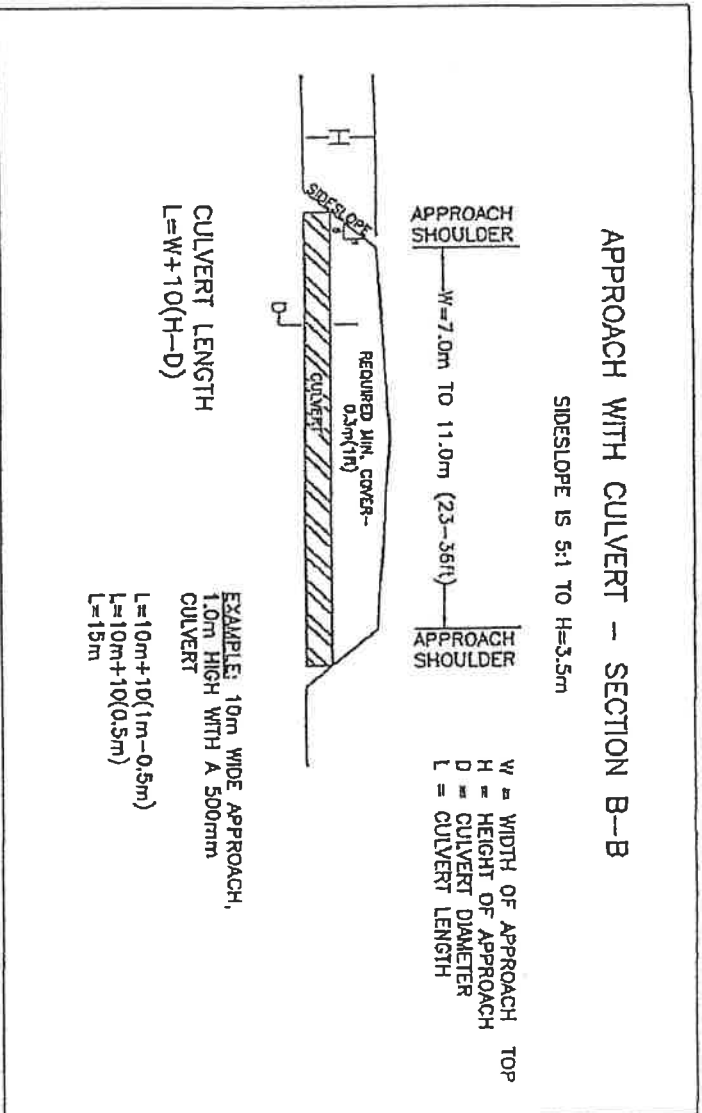
R.M. of Nipawin No. 487

**STANDARD APPROACH
PLAN VIEW & SECTION A-A**

DRAWN	K.H.S.	SCALE	N.T.S.
DATE			OCT 2003

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SCHEDULE "B"
 STANDARD APPROACH PLAN VIEW AND SECTIONS A-A & B-B



R.M. of Nipawin No. 487	STANDARD APPROACH		
	SECTION B-B		
DRAWN	KHS	SCALE	DATE
		H.T.S	001 2003

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