



BYLAW #2020.07

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

The Council of the Rural Municipality of Nipawin No. 487, 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 Nipawin No. 487;
 - b) "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;
 - c) "Municipality" means the Rural Municipality of Nipawin No. 487;
 - 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.

Encumbering of Roads

4. No person shall place or leave on or within any municipal road any earth, stones, rubbish, fences or other objects without the express permission of Council.
5. No person shall allow trees to overhang on any municipal road. Trees growing in unsafe locations may be significantly cut back or removed completely.

Excavations on Roads

6. No person shall make any excavations on or within any municipal road without the express permission of Council.

Permits

7. Notwithstanding sections 4 and 5 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, stones, fences or other objects, or the making of any excavations, on or within any municipal road, can be done (i) without compromising the safety, health or welfare of people or (ii) without damage to the municipal road or other property, give permission to a person to do the same.

8. Any setbacks for trees, dugouts, fences or other objects shall be as per the Zoning Bylaw.

Enforcement of Bylaw

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

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Order to Remedy Contravention

10. If a Designated Officer finds that a person has contravened sections 4, 5 and/or 6 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.

11. 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

12. Orders given under Bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

Municipality Remedying Contravention

13. In the event an order issued pursuant to section 10 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.

14. 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

15. Any expenses incurred by the Municipality in remedying a contravention of sections 4, 5 or 6 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.

16. 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

17. 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.

18. Every person who contravenes any provision of section 17 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 per day.

Repeal Previous Bylaws

19. Bylaw 6-81 a bylaw to compel the removal of dirt, stones, filth or rubbish from public places and all its amendments thereto are hereby repealed.

20. Bylaw 7-81 a bylaw relating to the plating of trees or shrubs or the placing of stone piles and other objects adjacent to certain highways and all its amendments thereto are hereby repealed.

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Coming into Force

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





Reeve



Administrator