



RURAL MUNICIPALITY OF ROSTHERN NO. 403

BYLAW 3.2019

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

The Council of the Rural Municipality of Rosthern No. 403, 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 Rosthern No. 403;
 - 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 or, in the absence of a designation by the council, the Administrator;
 - c) "Municipality" means the Rural Municipality of Rosthern No. 403;
 - 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, leave or bury on or within any Municipal Road any earth, stones, rubbish, fences or other objects without the express permission of Council.
5. No person shall push or place snow on, across or within any Municipal Road which becomes a safety concern for the maintenance crews, without the express permission of Council.

Excavations on Roads

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

Brush, Trees and other Road Obstructions

7. That burying or the planting of any sorts of trees, shrubs or live plants, also the placing of stone piles, portable structures, machinery or other objects within one hundred and fifty (150) feet from the center of any municipal road is hereby prohibited.
8. That burying or the planting of any sorts of trees, shrubs or live plants, also the placing of stone piles, portable structures, machinery or other objects within three hundred (300) feet from the intersection of any municipal road is hereby prohibited

Driveways

9. That all Country Residential Districts (RA 1, 2, 3 and 4) and Hamlet District (H) referenced in the *R.M Zoning Bylaw*, driveways not exceed a maximum width of thirty (30) feet road surface.

Enforcement of Bylaw

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

Notice of Violation to Remedy Contravention

11. If a Designated Officer finds that a person has contravened sections 4-7 of this Bylaw, the Designated Officer may issue a Notice of Violation.
12. If the person does not comply with the Notice of Violation within the time specified the Municipality may do what is required to be done at the expense of the person.

Municipality Remediating Contravention

13. In the event an order issued pursuant to section 7 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 remediating a contravention of sections 4 or 5 of this bylaw may be recovered as per Section 369 of *The Municipalities Act*.
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*.

Voluntary Payments

17. Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he/she may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his/her last known address as recorded in the Tax Roll and such service shall be adequate for the purpose of this Bylaw.
18. Such notice shall be deemed to have been served:
 - a) on the expiration of twenty-four hours after it is posted, if the notice is mailed;
 - b) on the day of actual delivery, if the notice is served personally; or
 - c) on the business day following the transmission, if given by facsimile.
19. A Bylaw Violation Notice shall be in such form as determined in Schedule A and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Schedule B that will be accepted by the Municipality in lieu of prosecution.
20. Upon production of a Bylaw Violation Notice issued pursuant to this section within twenty (20) days from the issue thereof, together with the payment of the fee if the contravention has not been remedied within seventy-two (72) hours of notice, the fee as provided in Schedule B to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
21. Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, the specified payment payable in respect of the second or subsequent contravention is the amount shown in Schedule B of this Bylaw in respect of that provision.
22. Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

Offences and Penalties

23. 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.
24. Every person who contravenes any provision 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.

Coming Into Force

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

Repealing Bylaw

26. That Bylaw 71 be repealed

27. That Bylaw 72 be repealed

28. That Bylaw 2.2014 be repealed and replaced with this Bylaw.

Reeve, Martin Penner

(SEAL)

Acting Administrator, Amanda McCormick

Read a first time this _____ day of _____ 2019.

Read a second time this _____ day of _____ 2019.

Read a third time and adopted this _____ day of _____ 2019.

Schedule "A" to Bylaw No 3.2019

BYLAW VIOLATION NOTICE

Reference No. _____

RURAL MUNICIPALITY OF ROSTHERN NO. 403

BYLAW VIOLATION NOTICE

Name	
Mailing Address	

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. 3.2019	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

_____ Date of Violation

_____ Time of Violation

_____ Legal Land Description, Civic Address if applicable.

Other particulars:

PENALTY:

Take notice that you will be responsible to remit a voluntary payment to the Municipality in the amount stipulated above if the offence noted is not remedied within 72 hours.

Should the offence not be remedied within 72 hours of the noted date of violation, payment is required to be made in person at the municipal office or by mail to:

Rural Municipality of Rosthern No. 403
Box 126
Rosthern, Saskatchewan, S0K 3R0.

To avoid prosecution of this offence, the voluntary payment indicated above must be received by _____, or a summons requiring your appearance in provincial court may be issued

Issued this _____ day of _____, 20 _____. By Twin Rivers Bylaw Enforcement Officer.

Signature of Designated Official

Schedule "B" to Bylaw No 3.2019

VOLUNTARY PAYMENT SCHEDULE

OFFENCE

VOLUNTARY PAYMENT

Individual

First Offence \$ 250.00

Second Offence \$500.00

Corporation

First Offence \$500.00

Second Offence \$1000.00