

BYLAW No. 1/2009

A BYLAW TO REGULATE OBJECTS WITHIN ONE HUNDRED AND FIFTY FEET OF THE CENTRE OF A MUNICIPAL ROAD

The council for the R.M. of Prairie Rose No. 309 in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as The Roads Bylaw.

Purpose

2. The purpose of this Bylaw is to regulate objects within one hundred and fifty feet of the centre of a municipal road that may:
 - a) hinder snow movement,
 - b) adversely affect the safety or health of people or animals, or
 - c) impede vision around corners.

Definitions

3. In this Bylaw:
 - a) "Council" means the Council of the R.M. of Prairie Rose No. 309;
 - 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) "Emergency" means a situation in which there is imminent danger to public safety or serious harm to property;
 - d) "Municipality" means the R.M. of Prairie Rose No. 309;
 - 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*.
4. For greater certainty, the term 'municipal road' when used in this Bylaw includes all land that is part of the original road allowance or the subject of a registered road plan.

Encumbering of Roads

5. No person shall place or leave on or within any municipal road any earth, stones, rubbish, fences or other objects without the express written permission of Council.

Excavations on Roads

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

Prohibiting Objects Within One Hundred and Fifty Feet from the Centre of Municipal Roads

7. The planting of trees or shrubs, or the placing of earth, gravel or stone piles within one hundred and fifty feet from the centre of any municipal road is hereby prohibited.
8. No person shall place or leave any permanent or portable structures, machinery or fences without the express written permission of Council.
9. Fences shall be maintained in a safe and reasonable state of repair, as to comply with the Nuisance Bylaw of the Municipality.
10. Any object placed within one hundred and fifty feet of the centre of a municipal road must be clearly marked at a height above anticipated snowfall levels so that the object can be easily seen from all angles in any season, during day or night as deemed reasonable by council.

Exemptions

11. This bylaw shall not apply to any road in the Hamlet of Esk and the road east of SE-23-33-21-2.

Enforcement of Bylaw

12. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer.
13. The Designated Officer is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Council Members of the R.M. of Prairie Rose No. 309.

Order to Remedy Contraventions

14. If a Designated Officer finds that a person or corporation is contravening this Bylaw, the Designated Officer may, by written order, require the person or corporation to remedy the contravention.
15. The written order shall state:
- what is to be done to remedy the contravention;
 - the time within which the person must comply with the direction; and
 - that if the person does not comply with the direction within the time specified the Municipality may do what is required at the expense of the person.
16. Orders given under Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

Municipality Remediating Contraventions

17. In the event an order issued pursuant to Section 14 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.
18. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency, in accordance with the provisions of Section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

19. Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this Bylaw may be recovered either:
- by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
 - by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

Offences and Penalties

20. No person shall:
- fail to comply with an order made pursuant to this Bylaw;
 - obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - fail to comply with any other provision of this Bylaw.
21. Any person who contravenes any provision of Section 20 is guilty of an offence and shall be liable to the penalties provided in the General Penalty Bylaw of the Municipality.

Repeal of Former Bylaw

22. Bylaw No. 90/71 being a Bylaw to Prohibit the Planting of Trees, Shrubs, etc. Within One Hundred and Fifty Feet from the Centre of Municipal Roads is hereby repealed.

Coming into Force

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



 Reeve – Bruce Elke



 Administrator – Dennis McBurney

(Seal)

Certified to be a true copy of Bylaw No. 1/2009
 adopted by the Council of the Rural Municipality
 of Prairie Rose No. 309 on the 8th day of
 April, 2009



 Administrator – Dennis McBurney

