

BYLAW NO. 13-2013

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

The council of the Rural Municipality of Pense No. 160, 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 Pense No. 160
 - 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 Pense No. 160;
 - 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 or other objects without the express permission of Council.

Excavations on Roads

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

Permits

6. Notwithstanding sections 4 and 5 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, stones 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.

Enforcement of Bylaw

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

Order to Remedy Contravention

8. If a Designated Officer finds that a person has contravened paragraphs 4 or 5 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.
9. 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

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

Municipality Remedying Contravention

11. 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.
12. 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

13. Any expenses incurred by the Municipality in remedying a contravention of sections 4 or 5 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.
14. The Municipality may add any costs incurred in eliminating an emergency to the tax toll 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

15. 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.

16. Every person who contravenes any provision of section 14 is guilty of an offence and liable on summary conviction to the penalties imposed in the general penalty bylaw of the municipality.

Coming Into Force

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

Reeve

Administrator

Section 8(1)(g) The Municipalities Act