

## **BYLAW 2024-08**

Rural Municipality of Lajord No. 128

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

The Council of the Rural Municipality of Lajord No. 128 in the Province of Saskatchewan enacts as follows:

#### **Short Title**

1. This Bylaw shall be referred to as the Roads Bylaw.

#### **Definitions**

2. In this Bylaw:
  - a) "Council" means the Council of the Rural Municipality of Lajord No. 128;
  - 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 designated by the Council, or the Administrator;
  - c) "Municipality" means the Rural Municipality of Lajord No. 128;
  - 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, vehicles or machinery, fences or other objects without the express permission of Council.

#### **Excavation on Roads**

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

#### **Removal of Vegetation on Roads**

6. No person shall destroy or remove vegetation on or within any municipal road without the express permission of Council.

#### **Permits**

7. Notwithstanding section 4, 5 and 6 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, stones, rubbish, vehicles, machinery, 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 and welfare of the people, or (ii) without damage to the municipal road or other property, given permission to a person to do the same.

### **Enforcement of Bylaw**

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

### **Order to Remedy Contravention**

9. If a Designated Officer finds that a person has contravened sections 4, 5 or 6 of this Bylaw, the Designated Officer may, in accordance with section 3654 of *The Municipalities Act*, issue a written order requiring the person to remedy the contravention.
10. 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 direction;
  - 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; and
  - d) That an appeal is available and advise to whom the appeal is to be made and the timeframe within which it must be made.

### **Municipality Remediating Contravention**

11. In the event of an order issued pursuant to section 9 of this Bylaw is not complied 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, 5 or 6 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 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**

15. No person shall:
  - a) Fail to comply with any order made pursuant to this Bylaw;
  - b) Obstruct or interfere with a 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 15 is guilty of an offence and liable on summary conviction:
  - a) In the case of an individual, 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.

**Voluntary Payment Options**

- 17. Where the Designated Officer believes that a person has contravened any provision of this Bylaw, the Designated Officer may serve upon such person a Notice of Violation.
- 18. The Notice of Violation shall be in form attached as Schedule “A” hereto and include a voluntary payment option that permits the contravening party to pay the amount set out in Schedule “B”, attached hereto, which will be accepted by the Municipality in lieu of prosecution.
- 19. Upon production of the Notice of Violation issued pursuant to section 17 within thirty (30) days from the date of receipt thereof, together with payment of the specified voluntary fee to the Designated Officer, the person whom the Notice of Violation was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.

**Service of Orders and Notices**

- 20. Where a person contravenes the same provision of this Bylaw two or more times within one twelve-month period, the specified voluntary payment payable in respect of the second or subsequent contravention is double the amount shown in Schedule “B” of this Bylaw.
- 21. Orders and notices given under this Bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

**Repeal of Former Bylaws**

- 22. Bylaw #241 and all amendments thereto are hereby repealed.

**Coming Into Force**

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



**Originally Signed By** \_\_\_\_\_  
Reeve

**Originally Signed By** \_\_\_\_\_  
Chief Administrative Officer

Certified a true copy of Bylaw 2024-08 adopted by resolution on the 8<sup>th</sup> day of March, 2024.

**Schedule "A"**  
**BYLAW 2024-08**

**RURAL MUNICIPALITY OF LAJORD NO. 128**  
**NOTICE OF VIOLATION**

Reference No. \_\_\_\_\_

DATE: \_\_\_\_\_

NAME:	
ADDRESS:	

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

Bylaw No. _____	
Section #	
Office:	
Voluntary Payment:	

**DETAILS OF ALLEGED BREACH OF VIOLATION**

- Date and time of violation
- Location of violation
- Other particulars – description of vehicle, animal, etc.

**PENALTY**

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office or by mail to the Rural Municipality of Lajord No. 128, Box 36 Lajord, Saskatchewan S0G 2V0.

If the voluntary payment indicated above is not received by \_\_\_\_\_ (specified date), a summons requiring your appearance in provincial court may be issued.

Take notice that you have the right to appeal. The appeal must be filed within thirty (30) days of receipt of this notice to the Municipal Office at the above-mentioned location.

Issued this \_\_\_\_\_ (date) by  
\_\_\_\_\_ (Designated Officer)

\_\_\_\_\_  
Signature of Designated Officer

**Schedule "B"**  
**BYLAW 2024-08**

**RURAL MUNICIPALITY OF LAJORD NO. 128**  
**VOLUNTARY PAYMENT SCHEDULE**

<b><u>OFFENCE</u></b>	<b><u>VOLUNTARY PAYMENT AMOUNT</u></b>
1. Encumbering of municipal road (Section 4)	\$2,500
2. Excavation of municipal road (Section 5)	\$2,500
3. Removal of vegetation on municipal road (Section 6)	\$2,500