

Rural Municipality of Moose Jaw No. 161

Bylaw No. 8-2011

A BYLAW TO REGULATE THE PLACEMENT OF BUILDINGS, TREES, SHRUBS, STONES, EARTH, GRAVEL, PORTABLE STRUCTURES OR MACHINERY WITHIN A CERTAIN DISTANCE OF MUNICIPAL ROADS

The Council of the Rural Municipality of Moose Jaw No. 161, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This Bylaw may be referred to as the Placement of Buildings and Other Objects Bylaw.

DEFINITIONS

2. In this Bylaw:
 - (a) "Council" means the Council of the Rural Municipality of Moose Jaw No. 161;
 - (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 for the Rural Municipality of Moose Jaw No. 161;
 - (c) "Municipality" means the Rural Municipality of Moose Jaw No. 161; and
 - (d) "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.

PLACEMENT OF BUILDINGS AND OTHER OBJECTS

4. No person shall hereafter plant trees or shrubs, or place any buildings, stone, earth or gravel piles, portable structures or machinery on private property within:
 - (a) 46 metres from the centre line of any municipal road;
 - (b) 90 metres from the midpoint of the intersection of two or more municipal roads.

COUNCIL DISCRETION ON THE PLACEMENT OF BUILDINGS

5. Notwithstanding Section 4 of this bylaw, Council may at its discretion, upon application and due to existing physical or other circumstances peculiar to the site specified in the application, permit a building to be placed in proximity to a municipal road or the intersection of two or more municipal roads within, meaning a lesser distance than, the distances so specified in Section 4.

ENFORCEMENT OF BYLAW

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

ORDER TO REMEDY CONTRAVENTION

7. 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.
8. 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 should the person not comply with the direction within the time specified, then the Municipality may do what is required to be done at the expense of the person.

SERVICE OF ORDERS

9. Order given under this Bylaw shall be served in accordance with Section 390 of ***The Municipalities Act***.

MUNICIPALITY REMEDYING CONTRAVENTION

10. 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.
11. 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

12. Any expenses incurred by the Municipality in remedying a contravention of Section 4 of this Bylaw may be recovered by civil action for debt in a court of competent jurisdiction.
13. 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

14. No person shall:
 - (a) fail to comply with an order made pursuant to this Bylaw;
 - (b) obstruct or interfere with any Designated Officer of any other person acting under authority of this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.

15. Every person who contravenes any provision of Section 14 of this Bylaw 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

16. Bylaw No. 88 of the Rural Municipality of Moose Jaw No. 161 is hereby repealed.

COMING INTO FORCE

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

Rural Municipality of Moose Jaw No. 161

Reeve

Administrator