

THE RURAL MUNICIPALITY OF FILLMORE NO. 96

BYLAW NO. 2009-02

A BYLAW TO PRESERVE AND MAINTAIN THE INTEGRITY OF THE ROAD SURFACE THROUGH THE PROHIBITION OF UNAUTHORIZED APPLICATION OF HERBICIDES ON MUNICIPAL RIGHT OF WAYS

The Council of the Rural Municipality of Fillmore No. 96, in the Province of Saskatchewan, enacts as follows:

Short Title

1. This Bylaw may be referred to as the Unauthorized use of Herbicide on Municipal Right of Ways Bylaw.

Definitions

2. In this Bylaw:
 - a. "Council means the Council of the Rural Municipality of Fillmore No. 96;
 - 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 Fillmore No. 96
 - 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*. Including any land that is part of the road allowance or the subject of a registered road plan.

Herbicide Spraying on Municipal Right of Ways

3. Pursuant to Section 34 of *The Highways and Transportation Act*, no person shall alter or damage a public improvement, including roads and/or right of ways.
4. No person shall spray herbicides that eliminate the vegetation on the right of way of any road allowance located within the municipality without the express permission of Council.

Enforcement of Bylaw

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

Order to Remedy Contravention

6. If a Designated Officer discovers a contravention to paragraph 3 and/or 4 of this Bylaw, the Designated Officer may, by written order, require the person to remedy the contravention.
7. 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 within the time specified, the Municipality may do what is required to rectify the problem at the expense of the person.

Service of Orders

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

Municipality Remediating Contravention

9. In the event an order issued pursuant to section 6 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.

Recovery of Unpaid Expenses and Costs

10. Any expenses incurred by the Municipality in remediating a contravention of section 3 and 4 of this Bylaw may be recovered by:
 - a. Voluntary payment of expenses incurred and invoiced; or
 - b. Civil action for debt in a court of competent jurisdiction.

Offences and Penalties

11. No Person Shall:
 - a. Fail to comply with an order pursuant to this Bylaw;
 - b. Obstruct or interfere with any Designated Officer or any other person acting under the authority of the Bylaw; or
 - c. Fail to comply with any other provision of this Bylaw.
12. Every person who contravenes any provision of Section 11 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

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

Reeve, Robert Clay

(seal)

Administrator, Vernna Wiggins

Read a Third Time and
Adopted by resolution of council
This 14th day of October, 2009

Administrator, Vernna Wiggins