

BYLAW NO.2/2001

A BYLAW RESPECTING THE HEALTH CONDITIONS, SAFETY AND TIDINESS OF DISCONTINUED RAILWAY LINES

The Council of the Rural Municipality of Rosedale No.283 in the Province of Saskatchewan enacts as follows:

“That the Council of the Rural Municipality of Rosedale No.283 hereby directs that upon the discontinuance of the operation of all or any portion of any railway line(which is deemed to include the right of way, any land near the right of way which is or was owned by the owner of the railway line prior to discontinuance, and any fixtures attached thereto and any chattels thereon)running through or within the Rural Municipality of Rosedale No.283, the owner(s)of any portion of the said discontinued railway line shall:

1. Within a period of not more than 6 months next following the discontinuance of operation of the railway line, or any portion thereof, apply to the Rural Municipality of Rosedale No.283 for a demolition permit, such permit to be issued and granted upon the owner(s)complying with each and every one of the following conditions:

(a) The application for demolition permit shall be in writing and shall include the following information and items:

(i) the name and address of the owner(s)and the legal description of the discontinued railway line;

(ii) detailed specifications as to both the manner and the method to be employed in effecting the measures required to be taken pursuant to section 3 below, along with an executed undertaking, commitment and agreement by the owner(s)in favour of the Rural Municipality of Rosedale No.283 to carry out and effect in a proper, timely and workmanlike manner the measures required to be taken pursuant to section 3 below,

(iii) confirmation that arrangements have been made for the relocation of any gas, electrical or telephone utilities, where such relocation will be necessary as consequence of either the discontinuance of operation of the railway line or the measures required to be taken by the owner(s)herein;

(iv) a report stating what methods of environmental investigation were used relative to the discontinued railway line, and identifying what contamination or hazardous materials were disclosed in relation to the discontinued railway line and surrounding lands, buildings and structures, and what steps will be taken for their proper disposal. Should the Rural Municipality of Rosedale No.283 or its designate, consider the investigation or disposal plan inappropriate or insufficient to protect the public from possible harm due to the contamination or hazardous materials, such shall be deemed to be an application deficiency of which the owner(s) shall be notified in accordance with section 2 below; and

(v) payment to the Rural Municipality of Rosedale No.283 of an application fee of \$500.00.

2. Where an owner(s) applies for a demolition permit pursuant to section 1 above, and the application is deficient, the Rural Municipality of Rosedale No.283, or its designate, shall notify the owner(s) of such deficiency(s), and the owner(s) shall rectify the deficiency(s) and resubmit the application to the Rural Municipality of Rosedale No.283 before the expiration of the original 6 month application period, or within 30 days from the date of receipt by the owner(s) of the notice, whichever is later.

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3. Within a period of not more than 12 months next following the discontinuance of operation of the railway line, the owner(s) shall effect and complete in a proper, timely and workmanlike manner each and every one of the following:

(a) remove all buildings, signals, bridges and related railway structure (including any telegraph, telephone or electrical lines) remaining along the discontinued railway line, which were constructed or acquired to accommodate the operation of the railway line at any time prior to its discontinuance of operation, which in the sole discretion of the Rural Municipality of Rosedale No.283 or its designate, render the discontinued railway line unsightly, untidy or dangerous;

(b) restore all roadways and passage-ways which constituted level or farm crossings over the railway line prior to its discontinuance of operation;

(c) remove all rubbish, non-salvageable materials, and salvageable materials remaining along the discontinued railway line;

(d) remove from the discontinued railway line all toxic substances, contaminants and pollutants which may constitute a health or safety risk to persons exposed to the toxic substances, contaminants and pollutants whether or not such persons could only be exposed to such risk by trespassing;

(e) restore any excavation, pit, embankment, mound or similar structure or feature which is not naturally occurring along the discontinued railway line to an elevation compatible with abutting properties, and consistent with the natural drainage of water along the abutting properties;

(f) cause the discontinued railway line property to be left in a safe condition; and

(g) unless the abutting property owners consent in writing to the contrary, seed the discontinued railway line with coarse grass immediately after completion of the measures required to be taken in accordance with items 2(a), (b), (c), (d) and (e) above, or at such other time deemed suitable by the Rural Municipality of Rosedale No.283 or its designate, and maintain the same.

### 3.1 (Amendment)

(1) Where an owner(s) of a discontinued railway line:

- (a) fails to apply for a demolition permit in accordance with clause 1;
- (b) fails to submit an application in accordance with clause 2;
- (c) submits an application for a demolition permit which is deficient; or
- (d) fails to complete the work required under clause 3 in a proper, timely, and workmanlike manner;

the council may declare that the owner(s) has failed to make a proper application as required, that the owner's application is deficient or that the discontinued railway line is unsafe, untidy and unsightly as the case may be, and may order the owner(s) to remedy the said deficiency(cies) by a specified date.

(2) Where an order has been made pursuant to subclause 3.1(1) the council shall prepare a notice setting out:

- (a) the terms of the order;
- (b) that the owner(s) is required to remedy the deficiency(cies) specified in the order by a specified date;
- (c) that if the discontinued railway line has been declared to be unsafe, untidy and unsightly and the owner(s) fail to remedy these deficiencies by the date specified, the council may proceed to have the work done to remedy the unsafe condition, untidiness or unsightliness and may recover the cost of the work by suit or distress or may add the cost to the taxes on the land;

- (d) that the owner(s) may appeal from the order made pursuant to subclause 3.1(1) to the council sitting as a local appeal board at the next regular council meeting; and
- (e) the date, time and place of the next regular council meeting.

(3) At least 10 days before the date of the next regular meeting, the notice shall be served on the owner(s):

- (a) either personally or by registered mail; or
- (b) if the owner(s) is deceased or the address of the owner(s) is unknown, by publication in two issues of a newspaper circulating in the municipality.

(4) An owner(s) who is served with a notice pursuant to this clause may appeal from the order made pursuant to subclause 3.1(1) to the council sitting as a local appeal board at the next regular council meeting.

(5) On an appeal made pursuant to subclause 3.1(4), the council may confirm, modify, or repeal its order made pursuant to subclause 3.1(1).

(6) Within 30 days of the decision of the council sitting as a local appeal board, an owner(s) may appeal the decision to the Saskatchewan Municipal Board.

(7) Where the owner(s) fails to remedy the unsafe condition, untidiness or unsightliness as required and does not satisfy council on an appeal that the work should not be proceeded with, the council may proceed to have the work done to remedy the unsafe condition, tidiness or unsightliness and may recover the cost of the work by suit or distress or may add the cost to the taxes on the said land.

(8) Notwithstanding subclauses 3.1(1), (2), (3), (4), (5), (6) and (7), where the presence on the discontinued railway line of any of the items identified in clause 3 of this bylaw constitutes an imminent danger to public health and safety, the council may proceed without notice to the owner to complete the work identified in clause 3 and may recover the cost of the work done by suit or distress or may add the costs to the taxes on the said land.

(9) Nothing in this clause shall be deemed to limit the municipality's authority to enforce a breach of this bylaw by way of summary conviction proceedings.


4. The Rural Municipality of Rosedale No.283, or its designate may, but shall not be obliged to, extend the time limits set forth herein upon written application for such extension by the owners(s).

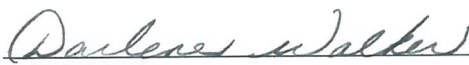
5. (a) Any person who fails to submit, or resubmit where required an application for a demolition permit within the times specified in sections 1 and 2 of this bylaw, is guilty of an offence and liable on summary conviction to a maximum fine of \$2,000 in the case of an individual, and a maximum fine of \$5,000 in the case of a corporation.

(b) Any person who fails to complete the measures set out in section 3 of this bylaw within the time specified is guilty of an offence and liable on summary conviction to a maximum fine of \$2,000 per day of non-compliance in the case of an individual, and a maximum fine of \$5,000 per day of non-compliance in the case of a corporation.

This bylaw comes into effect on the date of passing.

  
Reeve

Certified a true copy of Bylaw No. 2101  
adopted by resolution of the council of the  
Rural Municipality of Rosedale No. 283 on  
the 2 day of May, 2001  
  
Administrator

  
Administrator

