

RURAL MUNICIPALITY OF ROSEDALE NO. 283

BYLAW NO. 04/2022

A BYLAW TO REGULATE AND CONTROL ESCAPED IRRIGATION

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

1. This bylaw shall be referred to as the “Escaped Irrigation” Bylaw.
2. For the purpose of this bylaw the expression:
 - a) “**Roadway**” means that part of a public highway located within the municipality designated or intended for use by vehicles, and includes the roadbed structure involving any side slope or ditch bottom, but does not include a designated trail within the meaning of The Snowmobile Act or any other trail or path for which a permit is required;
 - b) “**Municipality**” means the Rural Municipality of Rosedale No. 283;
 - c) “**Designated Officer**” means the official appointed to act on behalf of the municipality to enforce this bylaw.
3. No person shall operate irrigation systems in such a manner that water is caused or permitted to escape from the irrigated land into the roadway.
4. Any person who operates irrigation systems in such a manner that water is caused or permitted to escape from the irrigated land onto the roadway shall be guilty of an offence and liable on summary conviction of the following penalties:
 - a) **First Offence:** Verbal warning;
 - b) **Second Offence:** \$500.00 fine; and
 - c) **Third and Subsequent Offences:** \$1,000.00 fine.
5. Form A, the notice of violation, appended hereto and forming a part of this bylaw, shall be served to any person committing an offence under this bylaw. The notice of violation is to be delivered by registered mail or served in person by a Designated Officer, within three (3) days of the offence.
6. The amount specified in Section 4 of this Bylaw may be paid:
 - a) In person, during regular office hours, to the municipality at the Municipal Office; or
 - b) By mail addressed to the R.M. of Rosedale No. 283, P.O. Box 150, Hanley, SK, S0G 2E0.
7. If payment of the fine as provided in Section 4 of this Bylaw, is made prior to the due date noted on the Notice of Violation, the person shall not be liable to prosecution for that offence.
8. The imposition of any penalty (fine) for violation of this bylaw shall not relieve the person from complying with this bylaw.
9. In addition to any penalty (fine) assessed, a person found to be committing an offence pursuant to this bylaw shall also be responsible for the cost incurred by the Municipality for road damage, and other associated costs thereof including gravel loss:
 - a) The charge shall be not less than three (3) hours minimum for each piece of equipment used to remedy the damage, calculated at the municipal non-ratepayer custom rate; and
 - b) Any materials required to repair the damage, including but not limited to clay and gravel and the placement thereof; and
 - c) Any other costs incurred by the municipality to remedy the situation including amounts paid to designated officer to enforce this bylaw.

10. Pursuant to Section 369 (1)(c) of The Municipalities Act, in the event the cost to remedy remains unpaid, the amount outstanding shall be added to the tax roll of the parcel of irrigated land(s) from which the water escaped. The outstanding amount shall be subject to the same penalties and tax enforcement proceedings as municipal land.

11. This bylaw shall come into force and take effect from the day of final passing thereof.






Reeve



Administrator

Read a third time and adopted this
12 day of July, 2022



Administrator

Certified a true copy of Bylaw No. 04/2022
adopted by resolution of council of the Rural
Municipality of Rosedale No. 283 on
the 12 day of July, 2022



Administrator

FORM A – NOTICE TO REMEDY
BYLAW VIOLATION NOTICE

Reference No.: 20__ - ____

R.M. OF ROSEDALE NO. 283
BYLAW VIOLATION NOTICE

Name: _____
Address: _____

This official notice is issued for breach of Bylaw No. 04/2022 – The Escaped Irrigation Bylaw:
from land located _____.

Section	Fine	Date of Occurrence	Voluntary Remedial Action to Take
4. (a) First Offence	None		
4. (b) Second Offence	\$500.00		
4. (c) Third or Subsequent Offence	\$1,000.00		

Should this voluntary action not be completed by _____, the R.M. of Rosedale No. 283 will take the appropriate steps as follows:

As per Section 365 of *The Municipalities Act*, you have the right to appeal, in writing within 15 days of the date of issue indicated on this Order to:

RM of Rosedale No. 283, Box 150, Hanley, SK, S0G 2E0.

Issued this ____ day of _____, 20__ by _____ (Designated Officer)

Administrator

Bylaw 04/2022 - Bylaw for Escaped Irrigation.

DA N.P.