

RURAL MUNICIPALITY OF MONTROSE NO. 315

BYLAW NO. 2021-03

A BYLAW TO REGULATE AND CONTROL ESCAPED IRRIGATION ON PUBLIC HIGHWAY WITHIN THE RURAL MUNICIPALITY OF MONTROSE NO. 315

The Council of the Rural Municipality of Montrose No. 315, 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 Montrose No. 315;
 - 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 (fines):
 - a) First Offence: Verbal warning followed up by written warning or notice of violation to any person committing a first or second offence under this bylaw within three (3) days of the offence to be delivered by registered mail or served in person by a Designated Officer;
 - b) Second offence: \$500.00 fine;
 - c) Third and subsequent offences: \$1,000.00 fine.
5. 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 RM of Montrose No. 315, Box 129, Delisle, SK S0L 0P0.
6. 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.
7. The imposition of any penalty (fines) for violation of this bylaw shall not relieve the person from complying with this bylaw.
8. 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 not be a not less than a three and one half (3.5) 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, 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.

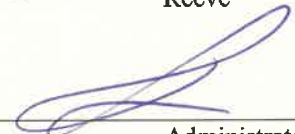
9. Pursuant to Section 369 (1)(c) of *The Municipalities Act*, in the event the cost to remedy remains unpaid December 31st in the year in which the offence occurred, the amount outstanding shall be added to the tax roll of the parcel of land(s) on which the water escaped from the irrigated land. The outstanding amount shall be subject to the same penalties and tax enforcement proceedings as municipal land.

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

(SEAL)




Reeve


Administrator

Certified a true copy of Bylaw 2021-03 adopted by the council of the Rural Municipality of Montrose No. 315 on the 10th day of June 2021

Pursuant to Section 8(2)(e) of *The Municipalities Act*


Administrator

