

## **BYLAW NO. 2008-2**

### **A Bylaw of the Rural Municipality of Browning No. 34, in the Province of Saskatchewan, to Regulate the Dismantling and Removal of Railway Superstructure Following Discontinuance of Operations**

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The Council of the R.M. of Browning No. 34, in the Province of Saskatchewan, enacts as follows:

#### **DEFINITIONS**

1. In this Bylaw:
  - (a) "Administrator" means the Administrator of the R.M. of Browning No. 34;
  - (b) "Designated Officers" 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 Council, the Administrator;
  - (c) "Municipality" means the R.M. of Browning No. 34; and
  - (d) "the owner" means the last person responsible for the operation of a rail line prior to the discontinuance of operations on the same;

#### **OBLIGATIONS UPON DISCONTINUANCE OF OPERATIONS**

2. The dismantling and removal of railway superstructure, following discontinuance of operations on a rail line, shall be carried out in accordance with the requirements of this Bylaw.

#### **NOTIFICATION AND CONSULTATION**

3. Prior to dismantling and removing any railway infrastructure, the owner shall give to the municipality not less than one month's notice of its intention to do so and, the name of a person who the municipality may contact to discuss any issues that may arise.

#### **NOTIFICATION AND CONSULTATION**

4. All rails and other ferrous track material shall be removed.

#### **TIES**

5. All ties shall be removed and shall be disposed of in accordance with applicable provincial regulations.

#### **POLES, WIRE, ETC.**

6. All poles, wire, conduits, cables and pipelines shall be removed unless continuing in use for a specific purpose or required to meet third party obligations and/or agreements.

**FENCES**

7. Fences located on the railway right of way shall either be maintained in a safe and reasonable state of repair or removed. If a fence is to be removed, the owner shall give the adjacent landowner not less than one month's notice of the same.

**SIGNS**

8. Signs shall be removed unless continuing in use for a specific purpose.

**ROAD CROSSINGS**

9. Rails, ties and planks shall be removed and the road surface restored to the same condition as the adjacent road at all points where the rail line crosses roads under the direction, control and management of the municipality.
10. The rail bed shall be excavated so that the side slopes and back slopes throughout the crossing are the same as those along the adjacent portions of the road.
11. The owner shall notify the municipality prior to undertaking any work on a road crossing.

**CULVERTS**

12. All culverts shall be removed.

**BRIDGES AND TRESTLES**

13. Timber bridges and trestles shall be removed.

**RAIL BED**

14. If the rail bed is disturbed as a result of the removal of culverts, bridges or trestles or the restoration of road crossings, the rail bed must be recontoured to a stable slope and the land seeded to grass to prevent erosion.

**COMPLIANCE WITH FEDERAL AND PROVINCIAL REQUIREMENTS**

15. An owner shall not be required to undertake any of the work described above if it would be contrary to any valid federal or provincial laws.

**ENFORCEMENT OF BYLAW**

16. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer for the municipality.

**INSPECTIONS**

17. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
18. Inspections under this Bylaw shall be carried out in accordance with Sections 362 and 363 of *The Municipalities Act*.
19. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

**ORDER TO REMEDY CONTRAVENTIONS**

20. If a Designated Officer finds that an owner is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
21. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
22. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or ( c) of *The Municipalities Act*.

**REGISTRATION OF NOTICE OF ORDER**

23. If an Order is issued pursuant to Section 20 of this Bylaw, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the Order by requiring an interest against the title to the land that is the subject of the Order.

**APPEAL OF ORDER TO REMEDY**

24. An owner may appeal an Order made pursuant to Section 20 of this Bylaw, in accordance with Section 365 of *The Municipalities Act*.

**MUNICIPALITY REMEDYING CONTRAVENTION**

25. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
26. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

**RECOVERY OF UNPAID EXPENSES AND COSTS**

27. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
  - (a) by civil action for debt in a court of competent jurisdiction accordance with Section 368 of *The Municipalities Act*; or
  - (b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

**OFFENCES AND PENALTIES**

28. No person shall:
  - (a) fail to comply with an Order made pursuant to this Bylaw;
  - (b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
  - ( c) fail to comply with any other provision of this Bylaw.
29. Every person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence liable on summary conviction to the penalties prescribed in the General Penalty Bylaw of this Municipality.

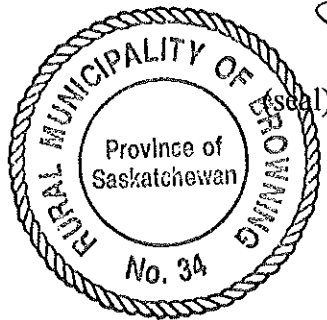
**COMING INTO FORCE**

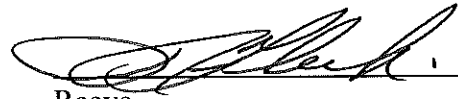
30. This Bylaw shall come into force on the day of its final passing.

**INTRODUCED AND READ A FIRST TIME THIS 7<sup>TH</sup> DAY OF MAY, 2008.**

**READ A SECOND TIME THIS 7<sup>TH</sup> DAY OF MAY, 2008.**

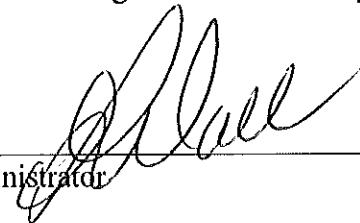
**READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT THIS 7<sup>TH</sup> DAY OF MAY, 2008.**



  
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Reeve

  
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Administrator

Certified a true copy of Bylaw No. 2008-2 passed by a resolution of the Council of the R.M. of Browning No. 34 present at their regular meeting held on the 7<sup>th</sup> day of May, 2008.

  
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Administrator

