

BYLAW NO. 06-2001

**A BYLAW OF THE RURAL MUNICIPALITY OF ROCANVILLE NO. 151
RESPECTING THE HEALTH CONDITIONS, SAFETY AND TIDINESS OF
DISCONTINUED RAILWAY LINES.**

The Council of the Rural Municipality of Rocanville No. 151 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 by any chattels thereon) running through or within the Rural Municipality of Rocanville No. 151, the owner(s) of any portion of the said discontinued railway line shall:

1. Within a period of not more than six months next following the discontinuance of operation of the railway line or any portion thereof, apply to the Rural Municipality of Rocanville No. 151 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 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 s.3 below, along with an executed undertaking, commitment and agreement by the owner(s) in favour of the Rural Municipality of Rocanville No. 151 to carry out and effect, in a proper, timely and workmanlike manner, the measures required to be taken pursuant to s.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 a 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 Rocanville No. 151 or its designate consider the investigation or disposal plans 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 s.2 below; and

- (v) payment to the Rural Municipality of Rocanville No. 151 of an application fee of \$500.00.

2.

Where an owner or owners applies for a demolition permit pursuant to s.1 above and the application is deficient, the Rural Municipality of Rocanville No. 151 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 Rocanville No. 151 before the expiration of the original six month application period or within a30 days from the date of receipt by the owner(s) of the notice, whichever is later.

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) removal all buildings, signals, bridges and related railway structures (including any telegraph, telephone or electric 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 Rocanville No. 151 or is -- 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 course 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 Rocanville No. 151 or its designate and maintain the same.


4. The Rural Municipality of Rocanville No. 151 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 owner(s).

5. (a) Any person who fails to submit or resubmit where required an application for demolition permit within the time specified in sections 1 and 2 of the Bylaw is guilty of an offence and liable, on summary conviction, to a maximum fine of \$2,000.00 in the case of an individual and a maximum fine of \$5,000.00 in the case of a corporation.

Any person who fails to complete the measures set out in s.3 of this Bylaw within the time specified is guilty of an offence and liable, on summary conviction, to maximum fine of \$2,000.00 per day of non-compliance in the case of an individual and a maximum fine of \$5,000.00 per day of non-compliance in the case of a corporation.

SEAL


Reeve


Administration

Certified a True Copy of Bylaw 06-2001
as passed by resolution of Council on
May 1, 2001.


Administration

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