

## BYLAW NO. 2007-02

### A BYLAW OF THE RURAL MUNICIPALITY OF FRENCHMAN BUTTE NO. 501 RESPECTING THE CONDITION, SAFETY AND TIDINESS OF DISCONTINUED RAILWAY LINES.

The Council of the Rural Municipality of Frenchman Butte No. 501, in the Province of Saskatchewan, enacts as follows:

**WHEREAS**, a Municipality may make bylaws pursuant to Section 8(1) of The Municipalities Act respecting the safety of people and protection of people and property, including unsightly properties;

**AND WHEREAS**, Council of the Rural Municipality of Frenchman Butte No. 501 wishes to pass a bylaw respecting the condition, safety and tidiness of properties, the use of which for railway purposes has been discontinued.

**NOW THEREFORE**, the Rural Municipality of Frenchman Butte No. 501 in the Province of Saskatchewan enacts as follows:

1. In this bylaw the following words or terms shall have the following meaning.
  - a) "discontinued railway line" shall mean the right-of-way and the developed infrastructure that was used, or held for or in connection with, the operation of a railway, including, but not limited to, the rail bed, main lines, branches, extensions, sidings, station grounds, yards, other tracks, bridges, tunnels, trestles, culverts, ditches, road crossings, and other structures which will no longer be used or held in connection with railway use.
  - b) "Owner" shall mean the registered owner of the railway right-of-way;
2. 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 or adjacent 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 municipality, the owner(s) of any portion of the said discontinued railway line shall:
  - a) Within a period of not more than 6 months next following discontinuance of operation of the railway line, or any portion thereof, apply to the municipality 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:
    - (i) The application for demolition permit (Form A) shall be in writing and shall include the following information and items:

the name and address of the owner(s) and the legal description of the lands upon which the discontinued railway line is located;
    - (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 4 below, along with an executed undertaking, commitment and agreement by the owner(s) in favour of the contractor to carry out and effect in a proper, timely and workmanlike manner the measures required to be taken pursuant to section 4 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 or 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 municipality 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 Section 3 below;
- (v) payment to the municipality of an application fee of \$500.00; and
- (vi) entering into a road use agreement if required by the municipality.
3. Where an owner(s) applies for a demolition permit pursuant to section 2 above, and the application is deficient, the municipality, 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 municipality 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.
4. Within a period of not more than 12 months next following the discontinuance of operation of the railway line, but after issue of the demolition permit, the owner(s) shall effect and complete in a proper, timely and workmanlike manner each and every one of the following:
- (a) except in a situation provided for in section 5, below, remove all buildings, signals, bridges and related railway structures (including any telegraph, telephone or electric lines) remaining on or 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 municipality or its designate, render the discontinued railway line unsightly, untidy or dangerous;
- (b) restore all roadways and passageways which constituted level on farm crossings over the railway line prior to its discontinuance of operation;
- (c) move 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 4(a), (b), (c) (d), and (e) above, or at such other time deemed suitable by the municipality or its designate, and maintain the same.
- 5. An Owner who obtains a development permit from the Municipality for use of any buildings or structures upon all or a portion of the discontinued railway line within 6 months of the discontinuance of the railway operation, need not remove the building or other structure which are the subject of the development permit.
- 6. The Municipality, 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).
- 7. Any corporation, company or person who fails to submit, or resubmit where required an application of a demolition permit within the times specified in sections 2 and 4 of this bylaw, is guilty of an offence and liable on summary conviction to a fine of not less than \$150.00 per day of non-compliance up to a maximum fine of \$2,000.00 per day of non-compliance in the case of an individual, and a fine of not less than \$150.00 per day of non-compliance up to a maximum fine of \$5,000.00 per day of non-compliance in the case of a corporation.
- 8. Any corporation, company or person who fails to complete the measures set out in section 4 of this bylaw within the time specified is guilty of an offence and liable on summary conviction to a fine of not less than \$150.00 per day of non-compliance up to a maximum fine of \$2,000.00 per day of non-compliance in the case of an individual, and a fine of not less than \$150.00 per day of non-compliance up to a maximum fine of \$5,000.00 per day of non-compliance in the case of a corporation.
- 9. This bylaw comes into effect on the date of the third and final reading.

George L. Lane  
Reeve

(SEAL)

[Signature]  
Administrator

Read a Third time and adopted  
this 30<sup>th</sup> day of April, 2007.

[Signature]  
Administrator

Certified a true copy of Bylaw No. 07-02

George L. Lane  
Reeve

(SEAL)

[Signature]  
Administrator

FORM A

The Rural Municipality of Frenchman Butte No. 501  
In the Province of Saskatchewan

**APPLICATION FOR A PERMIT TO DEMOLISH OR REMOVE  
A DISCONTINUED RAILWAY LINE**

Name and address of the owner of the discontinued railway line:

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Name and address of the Salvage Contractor:

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I, \_\_\_\_\_ hereby make application for a permit to demolish  
or  
( Applicant or applicant's agent)

remove the discontinued railway line now situated on: (Provide the legal land descriptions):

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The demolition or removal will commence on \_\_\_\_\_, 20 \_\_\_\_ and will be  
completed on \_\_\_\_\_, 20 \_\_\_\_\_.

The site work as set out is Section 4(a)(b)(c)(d)(e)(f)(g) of the bylaw respecting The Health  
Conditions, Safety and Tidiness of Discontinued Railway Lines, which will be done after  
demolition or removal of the discontinued railway line includes:

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What measures will be undertaken regarding environmental investigation relative to the  
demolition or removal of the discontinued railway line including disposal of contaminated  
materials if necessary?

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