

A BYLAW OF THE
RURAL MUNICIPALITY OF EXCEL No. 71
RESPECTING THE HEALTH CONDITIONS, SAFETY, AND TIDINESS
OF DISCONTINUED RAILWAY LINES

The council of the Rural Municipality of Excel No. 71 in the Province of Saskatchewan enacts as follows:

" That the council of the Rural Municipality of Excel No. 71 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 any fixtures attached thereto and any chattels thereon) running through or within the Rural Municipality of Excel No. 71, the owner(s) of any portion of the said discontinued railway line shall:

1. Within a period of not more than 6 months next following the discontinuance of operation of the railway line, or any portion thereof, apply to the Rural Municipality of Excel No. 71 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 section 3 below, along with an executed undertaking, commitment and agreement by the owner(s) in favour of the Rural Municipality of Excel No. 71 to carry out and effect in a proper, timely and workmanlike manner the measures required to be taken pursuant to section 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 Excel No.71 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 2 below; and

(v) payment to Rural Municipality of Excel No. 71 of an application fee of \$500.00.

2. Where an owner(s) applies for a demolition permit pursuant to section 1 above, and the application is deficient, the Rural Municipality of Excel No. 71, 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 Excel No. 71 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.

3. 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) remove 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 Excel No. 71 or 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 similiar 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 Excel No. 71 or its designate, and maintain the same.

4. The Rural Municipality of Excel No. 71, 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 times specified in sections 1 and 2 of this bylaw, is guilty of an offence and liable on summary conviction to maximum fine of \$2,000 in the case of an individual, and a maximum fine of \$5,000 in the case of a corporation.


(b) Any person who fails to complete the measures set out in section 3 of this bylaw within the time specified is guilty of an offence and liable on summary conviction to maximum fine of \$2,000 per day of non-compliance in the case of an individual, and a maximum fine of \$5,000 per day of non-compliance in the case of a corporation.

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 ADMINISTRATOR

Certified a true copy of Bylaw No. 98-3 adopted by Council on June 2, 1998


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