

RURAL MUNICIPALITY OF MOOSE CREEK NO. 33

BYLAW NO 04-2024

A BYLAW TO ESTABLISH PENALTIES FOR HAULING OVERWEIGHT ON RM ROADS

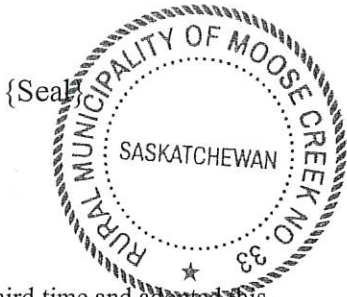
The Council of the Rural Municipality of Moose Creek No. 33 in the Province of Saskatchewan, enacts as follows:

1. This bylaw may be referred to as the "Overweight Trucking Fines Bylaw".
2. "Bylaw Enforcement Officer" means the Chief Administrative Officer of the Municipality or the Solicitor appointed by the Council for the Rural Municipality of Moose Creek No. 33.
3. "Municipality" means the Rural Municipality of Moose Creek No. 33.
4. "Permit" means any transport permit issued by the Rural Municipality of Moose Creek No. 33 or any agent appointed by the Municipality to issue transport permits on its behalf.
5. "Secondary Weight" and "Primary Weight" as defined by *The Vehicle Weight and Dimensions Regulations, 2010*
6. No person or business shall operate a vehicle on a road within the Municipality with a trucking weight over:
 - a. that of Secondary weight on roads designated as secondary weight, and
 - b. that of Primary Weight on roads designated as primary weight.without first obtaining a Permit from the Municipality to haul overweight.
7. Except as otherwise provided in this Bylaw, every person or business who contravenes this Bylaw is guilty of an offence and liable on summary conviction to a fine as follows:
 - a. In the case of an individual, to a fine of not less than \$2,500.00 and not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
 - b. If an individual fails to pay the voluntary payment outlined in the Bylaw Violation Notice as provided for in Section 8 through 11 herein within 30 days, the person shall be entitled to plead guilty and pay a payment option of \$2,500.00 prior to the date specified in the Summons served on them in accordance with Section 14 of this Bylaw.
 - c. In the case of a business, to a fine of not less than \$5,000.00 and not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
 - d. If business fails to pay voluntary payment outlined in the Bylaw Violation Notice as provided for in Sections 8 through 11 herein within 30 days, the business shall be entitled to plead guilty and pay a payment option of \$5,000.00 prior to the date specified in the Summons served on it in accordance with Section 14 of this Bylaw.
8. Notwithstanding Section 7, where the Bylaw Enforcement Officer believes that a person or business has contravened any provision of this Bylaw, he/she may serve upon such person or business a Bylaw Violation Notice either personally or by mailing or leaving same at the person's or business' last known address and such service shall be adequate for the purpose of this Bylaw.

9. Such Bylaw Violation Notice shall be deemed to have been served:
 - a. On the expiration of twenty-four hours after it is posted, if the notice is mailed;
 - b. On the day of actual delivery, if the notice is served personally; or
 - c. On the business day following the transmission, if given by facsimile.
10. A Bylaw Violation Notice shall be in such form as determined in Schedule "A" hereto and shall state the Bylaw which was contravened and the voluntary payment amount that will be accepted by the Municipality in lieu of prosecution. The voluntary payment amount for a violation of this Bylaw shall be \$500.00.
11. Upon production of a Bylaw Violation Notice issued pursuant to Section 8 herein within thirty (30) days from the issue thereof, together with the payment of the voluntary payment of Five Hundred (\$500.00) Dollars to the Administrator of the Municipality, the person or business to whom the Bylaw Violation Notice was issued shall not be liable for prosecution for the contravention in respect of which the Bylaw Violation Notice was issued.
12. Where any person or business contravenes this Bylaw two or more times within one twelve-month period, the voluntary payment amount payable in respect of the second or subsequent contravention is double the amount shown in Section 10 of this Bylaw.
13. Notwithstanding the provisions of this Bylaw, a person or business to whom a Bylaw Violation Notice has been issued may exercise his/her/its right to defend any charge of committing a contravention of this Bylaw.
14. If an individual or business fails to pay the voluntary payment amount within 30 days of issuance of the Bylaw Violation Notice, the Bylaw Enforcement Officer shall prepare of Certificate of Offence and Summon with respect to contravention and serve the same on the said individual or business and that person or business shall be liable to prosecution fo the offence in accordance with the provisions of *The Summary Offences Procedure Act, 1990* of Saskatchewan and liable to the fines outlined in Section 7.
15. The Court may proceed with trial and conviction may be entered for any violation of this Bylaw if any person or business who:
 - a. Is served with a Certificate of Offence and Summons in accordance with this Bylaw;
 - b. Fails to pay the payment option outlined in the said Summons by the date specified therein; and
 - c. Fails to appear in Court on the date specified in the said Summons in person or by an agent in answer to the Summons.
16. This Bylaw shall not apply to emergency vehicles, municipal maintenance equipment and farm equipment.
17. The Municipality shall be entitled to all its expenses and costs incurred in remedying a contravention of this Bylaw.

18. Conviction of a person or a business for breach of this Bylaw shall not relieve him/her/it from compliance therewith.

9. Bylaw # 06-2023 is hereby repealed.



[Redacted signature]

Chief Administrative Officer

Read a third time and adopted this
14th day of August, 2024

[Redacted signature]

Chief Administrative Officer

CERTIFIED COPY OF THE ORIGINAL
[Redacted signature]



BYLAW VIOLATION NOTICE

Reference No. _____

RURAL MUNICIPALITY OF MOOSE CREEK NO. 33

BYLAW VIOLATION NOTICE

| | |
|----------|--|
| Name: | |
| Address: | |

This official notice is issued for alleged breach of the following bylaw:

| | |
|--------------------|---|
| Bylaw No. 04-2024 | |
| Section #: | Section 6 |
| Offence: | Hauling Overweight without obtaining a permit |
| Voluntary Payment: | \$500.00 |

DETAILS OF ALLEGED BREACH OF VIOLATION:

| |
|---|
| Date and Time of Violation: |
| Location of Violation: |
| Other particulars: (description of vehicles etc): |
| |
| |

PENALTY:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office at 118-5th Street, Alameda, Saskatchewan, or by mail to Rural Municipality of Moose Creek No. 33, Box 10, Alameda, Saskatchewan, S0C 0A0.

If the voluntary payment indicated above is not received by _____ (specified date), a summons requiring your appearance in provincial court will be issued.

Issued this _____ day of _____, 20____, by Sentura Freitag (Bylaw Enforcement Officer)

Signature of Bylaw Enforcement Officer