

The Soil Drifting Control Act

being

Chapter S-54 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the *Statutes of
Saskatchewan, 1979-80, c.M-32.01; and 1989-90, c.5.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-54

An Act respecting the Control of Tillage Operations

Short title

- 1 This Act may be cited as *The Soil Drifting Control Act*.

Power of council to pass bylaw

2(1) The council of a rural municipality may, and shall on a receipt of a petition signed by forty resident ratepayers requesting the council to do so, pass a bylaw providing for the regulation and control of tillage practices which, in the opinion of the council, are liable to cause rapid soil deterioration by wind erosion.

(2) A bylaw passed without petition may apply to the whole or any designated portion of the municipality.

(3) A bylaw passed on petition shall apply to the whole municipality if the petition so applies or to the portion of the municipality designated in the petition.

R.S.S. 1978, c.S-54, s.2.

Contents of bylaw

3(1) A bylaw may contain provisions requiring adoption of the practice of strip farming, the growing of cover crops, the providing of trash cover or the spreading of straw or other refuse on cultivated lands, prohibiting the burning of stubble, prohibiting the cutting or requiring the planting of trees, requiring, prohibiting or governing the use of specified kinds of machinery, governing tillage operations and regulating or prohibiting the growing of crops in specified areas.

(2) The Minister of Agriculture shall provide a draft bylaw when requested by the council to do so.

R.S.S. 1978, c.S-54, s.3.

Approval of bylaw

4(1) No bylaw shall have effect until it has been approved by the Minister of Agriculture and submitted to a vote of the electors and approved by three-fifths of those voting thereon.

(2) The vote upon the bylaw shall be taken in the same manner as a vote upon a debenture bylaw under *The Rural Municipality Act, The Revised Statutes of Saskatchewan, 1965*, chapter 150 when a poll has been demanded and the provisions of sections 266 to 274 of that Act shall apply *mutatis mutandis* to vote upon a bylaw under this Act except that the form of the notice in section 267 of *The Rural Municipality Act, The Revised Statutes of Saskatchewan, 1965*, chapter 150 need not be prescribed or approved by the Saskatchewan Municipal Board.

R.S.S. 1978, c.S-54, s.4; 1989-90, c.5, s.10.

Municipal orders to be countersigned

5 Orders made by or with the consent of the council for the purpose of giving effect to a bylaw or any of its provisions shall be countersigned by a representative of the Minister of Agriculture duly authorized to do so and no such order shall have effect until it is so countersigned.

R.S.S. 1978, c.S-54, s.5.

Power of council to do omitted work

6 Failing compliance with an order so made and countersigned, the council may, by its agent, enter upon the premises affected and perform the required work, and, if the occupant of the land is the owner thereof, the cost of the work done shall forthwith be added to and form part of the taxes on the land.

R.S.S. 1978, c.S-54, s.6.

Power to adopt proposals of occupant

7 An occupant to whom an order is issued under this Act may propose alternative operations to those mentioned in the order and, if such proposal is accepted by the council and the person who countersigned the order, the order shall be suspended and may be cancelled on completion of the operations in a manner satisfactory to the council and that person.

R.S.S. 1978, c.S-54, s.7.

Unoccupied or abandoned land

8(1) In the case of unoccupied or abandoned farm land, an order may be issued not only to the owner of land but also to every mortgagee and other person having a registered interest in the land.

(2) Compliance by one of these parties with an order shall be deemed to be compliance by all of them.

(3) If each of the said parties transfers or assigns the land or his mortgage or other interest therein to the rural municipality in which the land is situated, the order shall be cancelled.

R.S.S. 1978, c.S-54, s.8.

Failure to comply with order

9(1) Subject to section 7, every occupant of land who fails to comply with an order served upon him under this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$100, and he is also liable to an action for damages caused by the movement of soil by wind from the land occupied by him to adjoining land through failure to comply with the order.

(2) The council of a municipality may decline to provide assistance under *The Municipalities Relief and Agricultural Aid Act* or *The Municipalities Seed Grain and Supply Act* to any person who fails to comply with an order issued by or with the consent of the council under the authority of this Act, unless the order has been suspended under section 7.

R.S.S. 1978, c.S-54, s.9.

Disposal of penalties

10 Every penalty imposed for a violation of any of the provisions of this Act within a municipality shall be payable to the municipality concerned.

R.S.S. 1978, c.S-54, s.10.

Regulations

11 The Minister of Agriculture may make regulations governing the issue and service of orders, the countersignature thereof, and generally for the purpose of carrying out the provisions of this Act according to their true intent.

R.S.S. 1978, c.S-54, s.11.

12 Repealed. 1979-80, c.M-32.01, s.69.

