

RURAL MUNICIPALITY OF ST. LAURENT

BY-LAW NO. 2/2020

PRIVATE APPROACH / ACCESS CROSSING

Being a By-law of the Rural Municipality of St. Laurent to establish the requirements for installation of access crossings onto municipal roadways.

WHEREAS the provisions of The Municipal Act, S.M. 1996, c.58, C.S.S.M. M225, section 232(1) provides in part as follows:

232 (1) A council may pass by-laws for municipal purposes respecting the following matters:

(e) private works on, over, along or under municipal roads;

(f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned:

(h) drains and drainage on private or public property;

232 (2) Without limiting the generality of subsection (1), a council may in a by-law passed under this division;

(b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;

(e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:

i. establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation;

iii. prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted;

iv. providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms of the conditions and who may impose them;

v. providing for the duration of licenses, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term of condition or with the by-law or for any other reason specified in the by-law, and;

vi. providing for the posting of a bond or other security to ensure compliance with a term or condition.

AND WHEREAS the Council of The Rural Municipality of St. Laurent deems it expedient and in the public interest to establish the requirements as to location, construction, materials, workmanship, and other matters in connection with installation, construction, re-installation, re-construction, or maintenance of access crossings;

NOW THEREFORE, the Council of the Rural Municipality of St. Laurent, in Council assembled, enacts as follows:

1. All owners of lands adjacent to municipal roads who require access onto Municipal Roads shall prior to construction, re-installation, or re-construction or maintenance of the private approach or access crossings shall apply for approval of the construction, re-installation, or re-

construction or maintenance from the Manager of the Public Works Department or his designate prior to any construction or alteration.

2. All applicants for construction, re-installation, or re-construction or maintenance on private approaches or access crossings shall be in the form supplied by the Public Works Department and the applicant shall be required to pay a fee for an initial approval, inspection and final approval of the approach.
3. All private approaches or access crossings and or culvert(s) shall be constructed in accordance with Municipal standards, which standards shall be supplied for construction, re-installation, or reconstruction or maintenance on the private approaches with the initial approval.
4. All costs related to the construction, re-installation, or re-construction or maintenance of the private approaches or access crossings shall be paid for by the owner or applicant.
5. All private approaches or access crossings or culvert(s) when installed shall be subject to a final approval by the Manager of Public Works or a designated officer and no building permit shall be issued for any buildings on the owner's property until final approval for the private approach or access crossing has been granted by the Manager of Public Works or his designate. Where a property is land-locked, or surrounded by water, has no direct access to a municipal road, or access onto an undeveloped road allowance, Council may authorize, by resolution, permission for the owner to be issued a building permit without the requirement for the site to be served by a proper culvert and crossing.
6. When approved by the Manager of Public Works or a designated officer all culvert(s) installed in accordance with the approval shall become the property of the Municipality and any alteration thereof will require further approval by the Manager of Public Works or his designated officer.
7. All owners of private approaches or access crossings shall be required to maintain their approaches and access crossings including without limiting the generality of the foregoing all costs for any works on the private approaches or access crossings.
8. No owner, tenant, person, firm or corporation shall allow construction of any headwall or decorative addition to the inlet or outlet ends of a culvert as a result of an approval unless approved in the final approval by the Manager of Public Works or his designated officer.
9. The Municipality may give 30 days' notice in writing to the owner of the property directing the removal of any headwalls or ornamentation which had not been approved and if the headwalls or ornamentation has not been removed within 30 days may enter the premises and remove the headwalls or ornamentation and all costs related to such removal shall be borne by the owner.
10. No person shall alter in any manner whatsoever the grade of a ditch without the written permission of the Manager of the Public Works Department or his designate.
11. That all persons who have received final approval from the Manager of Public Works or his designate may appeal the final approval to Council and Council may in their discretion vary the final approval.

12. Where any person deposits or puts into any Drain any soil, stones, refuse, waste, brush, trees or other matter whatsoever, the Municipality may require that person to remove the soil, stones, refuse, waste, brush, trees or other matter; and, if the person fails to do so, the municipality, at the expense of the person in default, may remove the soil, stones, refuse waste, brush, trees or other matter and, if necessary to do so, may enter onto any lands in accordance with the powers and procedures set out under the Act.
13. Where any person deepens, widens, alters, diverts or stops-up or in any way interferes with any Drain the municipality may require that person to return the said drain to its previous state, and if the person fails to do so, the municipality at the expense of the person in default, may return the municipal drain to its previous state and, if necessary to do so, may enter onto any lands in accordance with the powers and procedures set out under the Act.
14. By-Law No. 5/99 is hereby repealed.

DONE AND PASSED as a By-Law of the Rural Municipality of St. Laurent in St. Laurent, in the Province of Manitoba this 2 day of September, 2020.


Cheryl Smith
Reeve


Hilda Zotter
Chief Administrative Officer

Read a first time this 19th day of August, 2020

Read a second time this 2 day of September, 2020

Read a third time this 2 day of September, 2020