

# THE RURAL MUNICIPALITY OF TACHÉ

## BY-LAW NO. 3-2016

**BEING** a By-law of The Rural Municipality of Taché to regulate the construction and maintenance of private crossings and driveways within Municipal Rights of Way.

**WHEREAS** Section 232 (1) (e) of the Municipal Act provides as follows; “A council may pass by-laws for municipal purposes respecting the following matters; private works on, over, along or under municipal roads”;

**AND WHEREAS** Section 232 (1) (o) of the Municipal Act provides as follows; “A council may pass by-laws for municipal purposes respecting the following matters; enforcement of by-laws”;

**AND WHEREAS** Section 232 (2) (d) of the Municipal Act provides as follows: “Without limiting the generality of subsection (1), a council may in a by-law passed under this Division establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.”;

**AND WHEREAS** it is deemed expedient to pass a By-law for the purpose of constructing and maintaining private crossings and culverts in and along Municipal road rights of way and setting standards for such private works to maintain safety and the established operational and maintenance standards of Municipal roads, drains and right of ways located throughout the Rural Municipality of Taché;

**NOW THEREFORE** the Council of the Municipality of Taché, in Council assembled, enacts the following by-law which shall govern the inspection, remedy, enforcement or action respecting nuisances and encumbrances from adjacent properties to Municipal roads, drains and right of ways as follows:

### **1.) GENERAL**

- a.) This by-law applies to all property and to all owners and occupiers of property within the Rural Municipality of Taché.
- b.) No person shall excavate for, construct or use any right of way crossing for the purpose of entering onto private property without authorization from the designated authorities here within.
- c.) Any person desiring to excavate for, construct or use any right of way crossing for the purpose of a driveway shall submit by application to the Public Works Manager or authorized designate, together with such plans and specifications showing the detail of the installation as required for a driveway permit.
- d.) Any person wishing to excavate for, construct or use any right of way crossing for the purpose of a temporary crossing to access private property shall submit by application to the Public Works Manager or authorized designate, with a plan and intent for use of the access showing specifications of construction as required for the temporary permit. Separate application must be made for a permanent

driveway as detailed here within, if required once temporary permit is no longer needed.

- e.) Upon expiry of a temporary crossing permit the access shall be removed, otherwise the Municipality under the direction of the Public Works Manager or authorized designate reserves the right to remove the access at the owner's expense.
- f.) Only one private crossing per land title shall be allowed, unless approved by resolution of Council.
- g.) No private crossing will be constructed over water and waste water utility infrastructure directly servicing a residence such as water system curb stops, water or sewer lines.
- h.) Every private crossing hereto shall remain at the pleasure of the municipality and shall be removed if deemed necessary by resolution of Council.

**2.) APPLICATION FEES**

- a.) An application fee for a new driveway permit of \$150.00 will be due upon submittal of the application.
- b.) An application fee for a temporary crossing permit of \$150.00 will be due upon submittal of the application.
- c.) An application fee for the modification of an existing driveway permit of \$75.00 will be due upon submittal of the application.

**3.) ASSOCIATED COSTS**

The cost of installation and maintenance of all private crossings and culvert installations shall be the sole responsibility of the owner/applicant subject to the following:

- a.) Upon approval of Council, if the water flow calls for a culvert exceeding 1050 mm (42") in diameter, then the Municipality may assist in recovery of additional costs of materials between the 1050 mm (42") culvert and the actual culvert specified upon the construction of the primary crossing only and the owner remains responsible for all of the other costs including the total cost of installation.
- b.) During the reconstruction of a municipal roadway or drain if it is necessary to either relocate or replace an existing private crossing and/or culvert the Municipality shall be solely responsible for all associated costs.
- c.) Whenever the Municipality reconstructs a municipal roadway or preforms work within the municipal rights-of way, the municipality will be responsible for repairing the primary private access only up to and including gravel,

asphalt or concrete. Any repairs beyond this will be at the sole responsibility of the property owner.

#### 4.) SPECIFICATIONS

- a.) Upon receipt of the application and fee for the installation of a private access or temporary, the Public Works Manager or authorized designate will assess the site prior to issuance of a driveway permit.
- b.) A private crossing permit shall be issued by the Public Works manager or authorized designate, designating location, elevation, type, size (diameter), and gauge of culvert.
- c.) Culverts shall be galvanized corrugated steel pipe within the rural areas of the municipality or PVC plastic within the Urban districts of Landmark and Lorette.
- d.) A minimum of a 16 foot top width of a private crossing shall be constructed with a minimum 1:1 (45 degree angle) side slope on both sides
- e.) The culvert shall extend a minimum of 1 foot beyond the base of the driveway at the bottom of the ditch on both sides of the private crossing.
- f.) Side slopes shall be grassed unless specified otherwise in the authorizing permit.
- g.) A temporary crossing permit shall be issued by the Public Works manager or authorized designate, indicating requirements of installation and date of expiry of permits.
- h.) Upon completion of the installation the Public Works Manager or authorized designate, shall inspect the installation for conformance to the specifications as outlined in the permit and this by-law.

#### 5.) NON-CONFORMANCE

- a.) The work performed by the owner or their representative shall meet the specifications as required by the municipality, otherwise the owner will be required to repair and alter the private access to the satisfaction of the Public Works Manager or authorized designate at the owners sole cost.
- b.) In the event that the situation is not rectified, the Municipality may rectify the situation at the owner's expense. In situations where the owner refuses to pay the costs, the municipality shall add the outstanding costs with interest to the tax roll and collected in the same manner as general municipal taxes.
- c.) In the event that a property owner does not comply with this by-law, the municipality will order the property owner to rectify the situation, or the municipality may remove the crossing at the owner's expense.

d.) Any appeals to this by-law or decisions made hereunder by the Chief Administrative Officer, the Public Works Manager or other designate, may be presented to Council for their consideration.

**6.) INDEMNIFICATION**

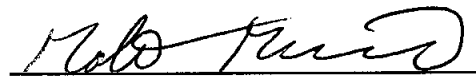
The owner shall indemnify the Municipality against all damages, costs or other expense(s) which the Municipality may suffer, incur or be put to by reason of the existence, maintenance or use of any private crossing and if required the owner shall execute and deliver to the Municipality an indemnity agreement in respect thereof satisfactory to Council.

**7.) EMERGENCY OR EXTRAORDINARY CIRCUMSTANCE**

Notwithstanding anything stated in this by-law, the Municipality may take whatever actions or measures are necessary to eliminate or mitigate an emergency situation that may be perceived or arise.

8.) By-law No. 18-2008 and all amendments thereto are repealed.

**DONE and PASSED** as a by-law of The Rural Municipality of Taché at the Municipal Office in Lorette, Manitoba in the Province of Manitoba this 9<sup>th</sup> day of February, A.D. 2016.

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**READ** a First time this 26<sup>th</sup> day of January, A.D. 2016.

**READ** a Second time this 26<sup>th</sup> day of January, A.D. 2016.

**READ** a Third time and **PASSED** this 9<sup>th</sup> day of February, A.D. 2016.