

# THE RURAL MUNICIPALITY OF TACHÉ

## BY-LAW NO. 06-2018

**BEING a By-law to maintain Municipal Right of Way (ROW) and to regulate nuisances or encumbrances that impact the safety and ongoing operation and maintenance of Municipal roads, drainage and other right of ways.**

**WHEREAS**, *The Municipal Act* allows Municipalities to regulate activities that impact the safety and ongoing operation and maintenance of Municipal roads, drainage and right of ways.

**AND WHEREAS** it is deemed expedient to pass a By-law for the purpose of maintaining Municipal right of ways and regulating nuisances and encumbrances that impact the safety and ongoing operation and maintenance 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 all adjacent properties to Municipal roads, drains and right of ways within the Municipality.

### 1. Short Title

This By-law will be referred to as “The Municipal Right of Way Encumbrance By-law”

### 2. Definitions

- a) “**council**” means the council duly elected in the Municipality.
- b) “**designated officer**” means the Chief Administrative Officer, By-law Enforcement Officer or other designated employee as appointed by council to enforce or administer all or part of this By-law.
- c) “**Municipality**” means the Rural Municipality of Taché.
- f) “**occupier**” means occupier as defined in *The Municipal Assessment Act* C.C.S.M.
- g) “**owner**” in the case of any property means the registered owner of the property according to the current assessment records of the Municipality.
- h) “**person**” means an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.
- i) “**property**” means real property as defined in *The Municipal Assessment Act* within the Municipality of Taché whether or not there is situated thereon a dwelling house or any other building.
- j) “**rubbish**” means any garbage, trash, or junk including, but not limited to unwanted or discarded household items, waste from building construction,

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remodeling and repair, tree branches, grass and shrub clippings, leaves or other general yard and garden waste, motor vehicle parts or tires, newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

**3. Prohibitions**

No person shall:

- a.) obstruct, encumber, injure or foul any highway, municipal road, road allowance, right of way or drain in the Rural Municipality of Taché; remove snow from their property by any means and deposit such snow or any part thereof upon the traveled portions of a municipal road, road allowance, right of way or drain. Throw, place, deposit or leave any rubbish or other substance whatsoever on a municipal road, right of way or public place.
- b.) erect any fences and/or permanent structures on any municipal road, right of way or drainage ditch within the Municipality, without the written authority of the Municipality.
- c.) shall obstruct the road in any manner which causes the accumulation of snow or drift to impede or obstruct travel, the view of traffic or obstruct in any way the movement of snow-clearing equipment under the jurisdiction of the Municipality.

**4. Offense and Penalties**

- a.) Any person, owner or occupier who does or causes another person to be in violation of this by-law shall be given written notice to rectify the violation within a designated time frame. Notice shall be given either in person, by mail or delivery service. If sent by mail or delivery service, it shall be considered delivered within 5 business days from the date of mailing.
- b.) In the event the violation is not rectified by the stated time in the notice, the Municipality may take corrective action for removal of the encumbrance, and all costs incurred by the Municipality shall be assessed to the person and/or persons in violation.
- c.) Any person, owner or occupier who is found to have committed an offence in under this by-law, the Municipality may fine the person as outlined in the current "Provincial Offences Act By-law".

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- d.) All fines and costs imposed under this By-law, are a debt owed by the person to the Rural Municipality of Taché and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

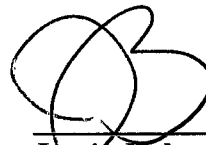
**5. Emergency or Extraordinary Circumstance**

Notwithstanding anything stated in this by-law, the Municipality may take whatever actions or measures are necessary if the situation is deemed an emergency.

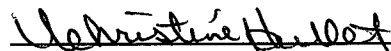
**6. Repeal**

- a.) That By-law No. 16-2009 be repealed.
- b.) This By-law shall come into force and take effect on the passing thereof.

**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 18<sup>th</sup> of December, A.D. 2018.



Justin Bohemier,  
Mayor



Christine Hutlet,  
Chief Administrative Officer

**READ** a First time this 11<sup>th</sup> day of December, A.D. 2018.

**READ** a Second time this 18<sup>th</sup> day of December, A.D. 2018.

**READ** a Third time and **PASSED** this 18<sup>th</sup> day of December, A.D. 2018.