

RURAL MUNICIPALITY OF LAC DU BONNET

BY-LAW NO. 24-10

Being a By-law of the Rural Municipality of Lac du Bonnet to establish the requirements for installation of private approaches and 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;
 - ii prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted,
 - iii. 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,
 - iv. 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
 - v. 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 Lac du Bonnet 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, reinstallation, reconstruction, or maintenance of access crossings;

NOW THEREFORE, the Council of the Rural Municipality of Lac du Bonnet, 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, reinstallation, or reconstruction or maintenance of the private approach or access crossings shall apply for approval of the construction, reinstallation, or reconstruction or maintenance from the Manager of Public Works Department or his designate prior to any construction or alteration.
2. All applicants for construction, reinstallation, or reconstruction 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, reinstallation, or reconstruction or maintenance on the private approaches or access crossings with the initial approval.
4. All costs related to the construction, reinstallation, or reconstruction 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 owners' property until final approval for the private approach or access crossing has been granted by the Manager of Public Works or his designate.
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. If the Municipality is required to remove an existing private approach during the performance of roadway, drainage or other works, the Municipality shall reinstall the private approach or access crossing at the Municipality's cost. If the Municipality finds the existing culvert is in need of replacement as a result of its condition, the Municipality shall reinstall a new culvert. The owner of the land serviced by the private approach is responsible for the cost of the culvert. Upon the owner providing payment of the cost of the culvert to the Municipality, the Public Works Department shall install the replacement culvert. The Municipality is responsible for the costs of installing the new culvert, or reinstalling the existing culvert.
9. 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 Manager of Public Works or his designated officer.
10. 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.
11. No person shall alter in any manner whatsoever the grade of a ditch without written permission of the Manager of the Public Works Department or his designate.
12. 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.
13. That any unpaid fees or charges owed by any tax payer or any remedial actions or measures required to be taken by the Rural Municipality of Lac du Bonnet including removal, repair or replacement if installation as per Schedule "A" is not complied with, may be added to the taxes of the said tax payer and may be collected or enforced in the same manner as a tax may be collected or enforced under the Municipal Act, L.M. 1996 c.58.
14. That Private Approach By-Law 25-06 be hereby rescinded.

DONE AND PASSED AND ENACTED by Council duly assembled, in the Council Chambers of the Rural Municipality of Lac du Bonnet in the Province of Manitoba this 14th Day of September A.D. 2010.


Rick Lussier
Reeve


Donna Tschetter
Chief Administrative Officer



READ A FIRST TIME: August 24, 2010
READ A SECOND TIME: August 24, 2010
READ A THIRD TIME: September 14, 2010

Resolution No. 548
Resolution No. 549
Resolution No. 582

SCHEDULE "A"

APPLICATION FOR CULVERT AND CIVIC SIGN PLACEMENT RURAL MUNICIPALITY OF LAC DU BONNET P.O. Box 100, Lac du Bonnet, Manitoba R0E 1A0 Telephone (204)345-2619 Fax: (204) 345-6716

CULVERT PLACEMENT _____

NEW __ **or REPLACEMENT** __

CIVIC SIGN PLACEMENT _____

NEW __ **or REPLACEMENT** __

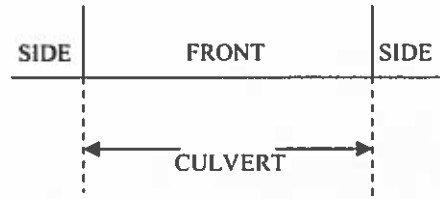
1. REGISTERED OWNER(S)

4. SKETCH

Name(s) _____

Show distance from side boundaries on diagram

Mailing Address _____



Telephone _____

2. PROPERTY DESCRIPTION

5. APPLICANT'S SIGNATURE

Legal: Section _____ Township _____ Range _____
Lot _____ Block _____ Plan _____

Signature _____

Civic: _____

DATE _____

3. ADDITIONAL INFORMATION: _____

FOR PUBLIC WORKS DEPARTMENT OFFICE USE ONLY

Culvert Placement:

INITIAL INSPECTION BY _____

DATE: _____

CONDITIONS/COMMENTS _____

REQUIREMENTS : SIZE: DIAMETER _____ mm THICKNESS _____ mm LENGTH _____ m

Bedding Layer: 150MM thick. Backfill shall extend .30 metres above the top of the pipe. All bedding and backfill shall be compacted in 150mm lifts to 95% Standard Proctor Density, or to the manufacturers specifications, whichever is more stringent.

FINAL APPROVAL UPON COMPLETION:

PUBLIC WORKS MANAGER OR DESIGNATE

DATE

FOR PUBLIC WORKS DEPARTMENT OFFICE USE ONLY

Civic Sign Placement:

CONDITIONS/COMMENTS _____

PUBLIC WORKS EMPLOYEE

DATE

FOR OFFICE ADMINISTRATION ONLY

DATE: _____

\$ _____ APPLICATION FEE:

Cash or Cheque No. _____

Receipt No. _____

\$ _____ DEPOSIT FEE

Cheque No. _____

\$ _____ Water Stewardship licence application fee

Cash or Cheque No. _____

Signature _____

Date Returned _____

REQUIREMENTS FOR CULVERT PLACEMENTS

FEES

- a) A \$50.00 non refundable culvert application fee is required.
- b) A \$450.00 cheque is retained until final inspection has been signed off and approved by our Public Works Department.
- c) A fee of \$25.00 will be collected to be remitted to Water Stewardship for a culvert licence application to construct water control or drainage works as per Provincial requirements.

SIZE

- a) Minimum Length - No less than 25 feet or 7.5 metres depending on depth of ditch
- b) Minimum Size - No less than 18 inches or 450mm depending on amount of water passing through.
- c) Gauge - No less than 16 gauge or 1.6 mm for steel; 5000psi for concrete with reinforcing steel; HDPE plastic is determined by outside dimension.

The Public Works Department is authorized to alter size requirements if the municipal ditch is unable to accommodate minimum size or length.

Any installations using HDPE plastic culverts require a 3" x 4" x 1/8" or 70mm x 100mm x 3mm metal plate to be fastened at the top of both ends of the culvert.

Any crossings requiring arch pipes (culverts) or oversize culverts to be determined according to the specific site.

Concrete culverts must be no smaller than 900 mm in diameter. All culvert placements and costs are the responsibility of the property owner.

PLACEMENT AND CONSTRUCTION STANDARDS

No part of crossing to be higher than the shoulder of the road.

All culverts must be 10 feet from the corners of the lot unless otherwise approved.

All culverts should be dug in 1 tenth of 1.5 inches and placed in the centre or bottom of the ditch and secured by 2" x 2" upright pegs to prevent culvert movement during backfilling.

No curbs, stops, abutments, rocks, railway ties, etc. are to be placed on R.M. land.

CIVIC SIGN REPLACEMENTS

Replacement costs would be the responsibility of the property owner.
