

RURAL MUNICIPALITY OF LAC DU BONNET

By-Law No. 18-12

Being a by-law of the Rural Municipality of Lac du Bonnet for the regulation, control and use of municipal roads within the municipality;

WHEREAS a municipality is empowered under sections 231 and 232(1) of *The Municipal Act* to pass by-laws for municipal purposes, including the management, control, regulation and use of municipal roads within the municipality, particularly with respect to the following matters:

- (a) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (b) private works, on, over, along or under municipal roads;
- (c) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
- (d) drains and drainage on private or public property;
- (e) those activities as set out in section 234 of *The Municipal Act*;
- (f) the enforcement of by-laws.

AND WHEREAS under section 232(2)(a) of *The Municipal Act* council may, in a by-law, regulate or prohibit;

AND WHEREAS under section 236(1) of *The Municipal Act* a municipality has the authority to include provisions within a by-law in order to determine compliance with and to remedy any contraventions of such a by-law;

AND WHEREAS a municipal road is defined under section 285 of *The Municipal Act*;

AND WHEREAS under section 287 of *The Municipal Act* a municipality has the direction, control and management of municipal roads within its boundaries;

AND WHEREAS under section 249 of *The Municipal Act* states Contravention of a by-law is an offence;

AND WHEREAS section 249(1) of the *The Municipal Act* states: A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.

AND WHEREAS Manitoba Regulation 50/97 provides for a maximum fine for a by-law contravention of \$1,000.00;

AND WHEREAS it is deemed necessary and desirable to control and regulate the use of municipal roads within the Rural Municipality of Lac du Bonnet;

NOW THEREFORE, the council of the Rural Municipality of Lac du Bonnet, duly assembled, enacts as follows:

1. Definitions

In this By-Law:

"Council" means the council of the Rural Municipality of Lac du Bonnet.

"Designated Officer" means the Designated Officer designated pursuant to section 5(a) of this By-Law.

"Land Clearing Equipment" means any and all machinery designed or used to clear trees and brush, or to move, deposit, compact or reshape soil or aggregate, or change the natural elevations of land.

"Municipal Road" means a municipal road as defined in *The Municipal Act*, CCSM c. M225, as amended, that is located within the boundaries of the Municipality.

"Municipality" means the Rural Municipality of Lac du Bonnet.

"Public Space" means any area within the Municipality, whether owned by the Municipality or third parties, that is ordinarily used as a gathering place or thoroughfare for members of the public.

"Road Allowance" means any piece of land shown as a road allowance for use by the Municipality.

2. Prohibitions

- (a) No person shall throw, place, deposit or leave, or cause another person to throw, place, deposit or leave, any animal or vegetable substance, shells, shavings, dirt, rubbish or excrement, filth, manure, slops, unclean or nauseous water, hay, straw, paper, ashes cinders, soot, offal, garbage or any other refuse or offensive substance on a Municipal Road, Road Allowance or Public Space.
- (b) No person shall erect, or cause another person to erect, any fences on any Municipal Road or Road Allowance within the Municipality without the prior written authorization of the Municipality.
- (c) No person shall cause damage to a Municipal Road, Road Allowance or Public Space.
- (d) No person shall clean and/or empty, or cause another person to clean and/or empty, any herbicide or any pesticide from any equipment designed to apply herbicides or pesticides on or in a Municipal Road, Road Allowance or Public Space.
- (e) No operator of any truck or trailer shall clean the truck or trailer, and no owner of any truck shall permit the truck's or trailer's operator to clean the truck or trailer, on or in a Municipal Road, Road Allowance or Public Space without ensuring that any contents removed from such truck or trailer through the cleaning process are fully removed from the Municipal Road, Road Allowance or Public Space forthwith.

- (f) No person shall place, deposit or leave, or cause another person to place, deposit or leave, any brush, trees or roots on a Municipal Road, Road Allowance or Public Space.
- (g) No person shall burn or cause to be burned any agricultural crop, hay, grass, brush, weeds, rubbish or other debris on or in any Municipal Road, Road Allowance or Public Space without the prior written permission of the Municipality.
- (h) No person shall obstruct or cause to be obstructed any Municipal Road, Road Allowance or Public Space without the prior written authorization of the Municipality.

3. Work Orders and Repair by Municipality

- (a) Any person who contravenes any of the provisions of section 3 above shall be required to remove any substance(s) or items(s) placed on or in a Municipal Road, Road Allowance or Public Space in contravention of this By-Law and repair any damage resulting from the contravention within twenty-four (24) hours of having been ordered to do so by the Designated Officer in writing.
- (b) If a person to whom an order has been issued pursuant to this section fails to complete the work set out in such order within 24 hours, the Municipality may undertake such work itself or retain a third party to undertake the work, whereupon the Municipality may recover all expenses incurred in respect of such work from the person(s) to whom the order was issued. The cost of such work shall be a debt to the municipality that may be collected and enforced in the same manner as a tax may be collected pursuant to the provisions of *The Municipal Act*.

4. No Unauthorized Work on Municipal Roads, Road Allowances and Public Spaces

- (a) No person shall clear or cause another person to clear any brush or trees, or break or remove any land on or in a Municipal Road, Road Allowance or Public Space without the prior written permission of the Municipality.
- (b) In the event that any land on or in a Municipal Road, Road Allowance or Public Space is cleared, broken or removed without the prior written permission of the Municipality as required by section (a) above, the Designated Officer of the Municipality shall have the right to, by written order:
 - (i) prohibit the use of such land, and
 - (ii) compel the persons who cleared, broke or removed such land, or caused such land to be cleared, broken or removed, to control weeds on the land by such methods as may be approved by the Municipality from time to time.
- (c) Any operator of Land Clearing Equipment who contravenes this section shall be jointly and severally liable for any order issued under authority of this section together with any person(s) who instructed or hired the operator of such Land Clearing Equipment.


5. Decision-Making Power of the Municipality

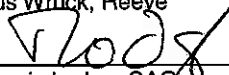
- (a) The "By-Law Officer" appointed by Council from time to time, including any person(s) acting under the direction of or as an assistant to the By-Law Officer, is the Designated Officer to enforce the provisions of this By-Law.
- (b) If deemed advisable by the Municipality, the Reeve of the Municipality, in consultation with the Chief Administrative Officer of the Municipality, may appoint a committee of three members of Council to decide what action shall be taken under any provisions of this By-Law and instruct the Designated Officer accordingly. The committee shall appoint a chairperson unless the Reeve is a member of the committee, in which case the Reeve shall be the chairperson.

6. Offences

- (a) Any person who contravenes a provision of this By-Law is guilty of an offence and shall be liable:
 - (i) In the case of a set-fine offence listed in Schedule "A" to this By-Law, to a set fine in the amount set out adjacent to the description of the offence in Schedule "A" to this By-Law; and
 - (ii) In any other case, to a fine not exceeding \$1,000.00.
- (b) Where a contravention of any provision of this By-Law continues for more than one day, the person committing the offence is guilty of a separate offence for each day that the contravention continues.
- (c) That this bylaw will repeal all other existing bylaws.

DONE AND PASSED as a by-law of The Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this 23rd day of April 2013.



Gus Wruck, Reeve


Tannis Lodge, CAO

Read a first time: March 12, 2013
Read a second time: March 12, 2013
Read a third time: April 23, 2013

Resolution # 2013 752
Resolution # 2013 753
Resolution # 2013-813

RURAL MUNICIPALITY OF LAC DU BONNET

By-Law No. 18-12 – Schedule A
Set Fines for By-Law Offences Using the Common Offence Notice system

Provision of By-law	Description of Offence	Set Fine for 1 st Offense	Set Fine for 2 nd Offense	Set Fine for 3 rd or subsequent Offense
2(a)	Did throw, place, deposit or leave, or cause another person to throw, place, deposit or leave, any animal or vegetable substance, shells, shavings, dirt, rubbish or excrement, filth, manure, slops, unclean or nauseous water, hay, straw, paper, ashes cinders, soot, ofal, garbage or any other refuse or offensive substance on a Municipal Road, Road Allowance or Public Space	\$200	\$400	\$800
2(b)	Did erect or permit to be erected a fence on any Municipal Road, Road Allowance or Public Space without the prior written permission of the municipality	\$50	\$100	\$500
2(c)	Did cause damage to a Municipal Road, Road Allowance or Public Space	\$100	\$200	\$400
2(d)	Did clean and/or empty, or cause another person to clean and/or empty, any herbicide or any pesticide from any equipment designed to apply herbicides or pesticides on or in a Municipal Road, Road Allowance or Public Space	\$100	\$200	\$400
2(e)	Did clean a truck or trailer or permit the the truck's or trailer's operator to clean the truck or trailer, on or in a Municipal Road, Road Allowance or Public Space without ensuring that any contents removed from such truck or trailer through the cleaning process are fully removed from the Municipal Road, Road Allowance or Public Space forthwith	\$100	\$200	\$400
2(f)	Did place, deposit or leave, or cause another person to place, deposit or leave, any brush, trees or roots on a Municipal Road, Road Allowance or Public Space	\$200	\$400	\$600
2(g)	Did burn or cause to be burned any agricultural crop, hay, grass, brush, weeds, rubbish or other debris on or in any Municipal Road, Road Allowance or Public Space without the prior written permission of the Municipality	\$150	\$300	\$600

Provision of By-law	Description of Offence	Set Fine for 1 st Offense	Set Fine for 2 nd Offense	Set Fine for 3 rd or subsequent Offense
2(h)	Did obstruct or cause to be obstructed any Municipal Road, Road Allowance or Public Space without the prior written authorization of the Municipality	\$100	\$200	\$400
3(a)	Failed to abide by a work order issued in respect of a contravention of section 3(a), (d), (e) or (g) of By-Law 18-12.	\$200	\$400	\$800
3(a)	Failed to abide by a work order issued in respect of a contravention of section 3(b), (c), (f) or (h) of By-Law 18-12	\$150	\$300	\$600
4(a)	Did clear or cause another person to clear any brush or trees, or break or remove any land on or in a Municipal Road, Road Allowance or Public Space without the prior written permission of the Municipality.	\$100	\$200	\$300