

RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2007-06

Being a By-Law of the Rural Municipality of East St. Paul
To Provide Certain Restrictions as to the Type of
Construction of Entrances and Exits from Private Roads to
Municipal Roads.

WHEREAS Section 232 (1) of The Municipal Act, C.C.S.M., cap.M225
provides as follows:

"A council may pass by-laws for municipal purposes
respecting the following matters....";

(b) people, activities and things in, on or near a public
place or a place open to the public, including parks,
municipal roads, recreation centres....;

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

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

AND WHEREAS the Council of the Rural Municipality of East St. Paul
(hereinafter also called the "Municipality") deems it expedient and in the best interest of
the Rural Municipality of East St. Paul to regulate the erection, maintenance, or use of
private works in, under, or over any municipal road;

NOW, THEREFORE, BE IT ENACTED by the Council of the Rural
Municipality of East St. Paul as follows:

1. No person, being the owner or tenant of lands lying adjacent to municipal roads shall erect, maintain, or use a private entrance into, onto, under, or over a municipal road except as herein provided.

2. The fee for a permit to construct, alter, or reconstruct any private roadway and/or entrance connecting with any municipal road shall be as determined by the Council of the Rural Municipality of East St. Paul from time to time and shall be paid to the Rural Municipality of East St. Paul (the "Municipality")³. Where a permit is issued for the construction of any private roadway and/or entrance connecting adjacent property to the municipal road, such private roadway and entrance will be constructed in accordance with specifications as set out by Council of the Municipality at the time. Where applicable the private roadway connections include the culvert on the municipal or public road ditch.

4. Culverts and Bridges:
 - a) No person being the owner or tenant of lands lying adjacent to municipal roads within the Municipality shall construct any bridge(s) or culvert(s) from the lands owned or occupied by him to connect with any municipal road.
 - b) Any culvert(s) installed adjacent to any municipal road shall be of such specifications as recommended by the Municipality's Public Works Department.
 - c) The owner or tenant of lands adjacent to any municipal road in the Municipality shall pay to the Rural Municipality as a deposit the sum of One Thousand Dollars (\$1,000.00) towards the costs of supplying and installing each culvert as described in subparagraph 4(f). Where the work exceeds the deposit, the owner is responsible for the extra costs. Costs shall include a ten percent (10%) administration fee. Where the deposit exceeds the amount to be paid, the excess funds will be reimbursed.
 - d) That in the event that the owner or tenant of lands adjacent to any municipal road wishes a longer culvert than that recommended by the Public Works Department of the Municipality, such owner or tenant will pay in full for all additional length, fill and installation.

- e) Following its initial installation, the culvert is the responsibility of the Municipality except as hereinafter provided. The Municipality will re-grade or replace the culvert under the following circumstances: 1: to establish elevation which would allow proper drainage, 2: any culvert failures, 3: all blockages found within the culvert, 4: any other circumstance the Municipality feels would be necessary to improve the drainage in the area. The Municipality will not be responsible for the culvert if any alterations are made to the original culvert or if the culvert is damaged by the owner, tenant or any invitees onto the lands in which case the owner subject to subparagraph (g) hereof, will repair the culvert at its own cost when demanded by the Municipality.
- f) Any damage caused to any residential or commercial approach as a result of the repairs being done by the Municipality, will be re-instated to a condition equal to that of the pre-existing condition, if the approach is constructed with either broomed finished concrete, asphalt or gravel. If the existing approach is constructed in uni-stone, colored imprinted asphalt, colored imprinted concrete, exposes aggregate concrete or other materials other than broomed finished concrete, asphalt or gravel, the Municipality will reimburse the owner for the damaged area. The rate of reimbursement will be determined by the rate established by the competitive market for concrete, asphalt or gravel replacement. The owner will be responsible for arranging and funding (less the reimbursable amount if eligible), all repairs needed to their approach.
- g) In the event that the municipality is executing any repairs to the existing roadway and regrading of the approach is required, the municipality will regrade the existing approach with asphalt for the distance required to achieve an acceptable slope to enter the approach. If the owner does not accept this method of regrading the existing approach, the municipality will reimburse the owner for the area affected the competitive market value for asphalt.

- h) The Municipality shall supply the fill and culverts and shall do all work concerning the installation of any culvert and the replacement or repair of any culvert in the Rural Municipality of East St. Paul. If such work is required as a result of the actions of the owner, tenant or any of their invitees as per subparagraph (e), then the cost is as per subparagraph (e) hereof.

5. Surface Works:

- a) The location, construction, materials, workmanship and other matters related to the construction of pavement crossings will be carried out in accordance with Schedules "A" and "B" as attached herein.
- b) Ornamentation and private lighting on municipal roads shall not be permitted except by resolution of Council.
- c) Where private crossings intersect a municipal sidewalk, the following criteria will be used for the private crossing and is the responsibility of the homeowner.
 - i) Wherever possible the new access will match the existing sidewalk. Where it does not, the installation criteria is:
 - Where the access road is higher than the existing sidewalk then the sidewalk will be regraded to match the driveways, with sidewalk gradients not exceeding 5%, and constructed of the same material and thickness as the existing sidewalk.
 - Where the access road is lower than the existing sidewalk the access will be constructed through the existing sidewalk; be curbed, provide for wheelchair access, and the sidewalk reconstructed with gradient not to exceed 5%.
 - ii) Where new access intersects on existing asphalt sidewalk and the sidewalk is less than 100 mm thick then the access will be carried through the sidewalk with an asphalt thickness of 100 mm.

- d) Damage at any time to the sidewalk by the owner or his agents will be rectified at the owner's expense with similar materials to a minimum thickness, that is 100 mm concrete, or 100 mm asphalt.
 - e) The maximum grade for a commercial driveway onto a municipal street is 5% and the geometry subject to municipal approval.
6. That damage caused at any time by the owner or his agents to adjacent municipal roads (i.e. municipal roads, sidewalks, boulevards, or ditches), as a result of construction or maintenance of the private crossing, shall be rectified at the owner's expense with similar materials to a minimum thickness as specified by the Public Works Department or the Municipality may exercise its powers under The Municipal Act and charge the owner for the repairs and collect this charge in the same manner as a tax may be collected or enforced.
7. Where new driveways are constructed at existing manhole locations, the municipality will regrade the manhole to fit the elevation of the new driveway at no cost to the resident. To minimize cracking in driveways related to seasonal changes in elevation, it is recommended that the driveway construction around the manhole be in accordance with Appendix C. Manhole Isolations.
8. No approach shall be constructed, erected or installed within an intersection, nor within six (6) meters of the intersecting street line projected at right angles, measured along the street curb line or its straight projection, from the straight projection of the nearest edge of the approach as shown on Schedule "A" as attached hereto.
9. No property shall have more than one approach joining a municipal roadway unless otherwise approved by council in accordance with the following procedure:
- a) Any person who wishes to install more than one approach shall make application in writing to the municipality. The applications shall be filed with the Planning Department.
 - b) All applicants will be required to pay a fee at the time of application. The fee shall be the same as established for Municipal variations.

- c) Upon receipt of an application, a public hearing will be held in order to receive representations from any person regarding the application.
 - d) The public hearing procedure shall be held in the same manner as for hearings held under The Planning Act with regards to an application for a variance, with any appropriate modifications.
 - e) Upon completion of the hearing, the council will make a decision to either approve or reject the application.
 - f) The decision of Council is final and not subject to appeal.
10. Every person who contravenes, or refuses, neglects, omits, or fails, to obey or observe, any provisions of this by-law, is guilty of an offence and, is liable to fine or at least One Hundred Dollars (\$100.00) but not exceeding Five Hundred Dollars (\$500.00) or to imprisonment for a term not exceeding one month, or to both. Each day that the contravention refusal, neglect, omission or failure continues is a separate offence.
11. That this by-law shall come into force and shall take effect on the day of passing thereof and By-Law 2006 – 10 is hereby repealed.

DONE AND PASSED by the Council of The Rural Municipality of East St. Paul, in Council duly assembled in East St. Paul, in Manitoba, this 27th day of June, 2007.

____Originally signed by Lawrence Morris
Reeve

____Originally signed by Jerome Mauws
Chief Administrative Officer

Read a first time this 13th day of June , 2007.

Read a second time this 27th day of June, 2007.

Read a third time this day 27th of June, 2007.