

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 695/19

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH RESPECTING CULVERTS AND APPROACHES TO PRIVATE PROPERTY OFF OF MUNICIPAL ROADS WITHIN THE RURAL MUNICIPALITY OF WHITEMOUTH

WHEREAS Section 232 (1) of *The Municipal Act* provides for a Municipality to pass by-laws for municipal purposes respecting the following matters:

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

AND WHEREAS Section 287 states “Subject to this and any other Act, a municipality has the direction, control and management of municipal roads within its boundaries.”

AND WHEREAS The Council of the Rural Municipality of Whitemouth (Municipality) recognizes that there is a need for construction of private approaches and installation of culverts in such a manner as to avoid interference with, and to facilitate, the municipal drainage system.

AND WHEREAS The Municipality also recognizes there a large number of residents along provincial highways and provincial roads that are responsible for the costs of installing and maintaining their own approaches and culverts.

NOW THEREFORE the Council of the Rural Municipality of Whitemouth, duly assembled, enacts as follows:

1.0 Purpose

1.1 The purpose of this By-Law is to ensure the safety of municipal roads and the protection of municipal drainage systems by regulating access approaches, and any required culverts, from private property to municipal roads within the Municipality, and that all Property Owners, with respect to approaches and culverts, are treated in a fair and equitable manner.

2.0 Permanent Private Approaches

2.1 No person shall excavate for or construct any private approach within Municipal Rights of Way without authorization from the Municipality.

2.2 No person shall replace or extend a culvert or alter an existing private approach within Municipal Rights of Way without authorization from the Municipality.

2.3 Only one private crossing per land title shall be allowed, unless approved by resolution of Council.

3.0 Temporary Private Approaches

3.1 No person shall excavate for, or construct any temporary private approach within Municipal Rights of Way without authorization from the Municipality.

3.2 Upon expiry of a temporary private approach permit the approach shall be removed. If the temporary private approach is not removed, the Municipality reserves the right to remove the approach at the property owner's expense.

4.0 Application for Permanent and Temporary Private Approach Permit

- 4.1A Property Owner requiring a private approach shall make application to the Municipality at the Municipal Office, in writing, on the Permanent and Temporary Private Approach and Culvert Application.
- 4.2The Property Owner shall stake out the exact location of the proposed approach.
- 4.3The Application will be forwarded to the Public Works Supervisor or designate. The Public Works Supervisor or designate shall visit the proposed approach site, determine the suitability of the site, and determine the size of the culvert required.
- 4.4The Public Works Supervisor or designate shall make a recommendation to the Public Works Committee. The Public Works Supervisor or designate will take into consideration (but not limited to) topography, volume of traffic, drainage flows, type of road, previous incidents and any other factors that the Supervisor or designate may determine applicable.
- 4.5If the Public Works Committee finds the proposed approach to be acceptable, it shall authorize the approval of the application and the application shall be issued as a permit. The Council will be notified of the decision.
- 4.6If the Public Works Committee does not authorize the application the Property Owner may appeal to the Council by making presentation to Council through the normal delegation process.
- 4.7The Property Owner shall notify the Public Works Supervisor or designate when the approach/culvert installation or repair is to be done. The Public Works Supervisor or designate shall supervise the installation.
- 4.8Upon completion of the work, the Public Works Supervisor or designate shall note same on the Permit and forward it to the Municipality's Chief Administrative Officer.

5.0Approach Application Fee

- 5.1The fee for the application shall be \$150.00. Culvert/Approach Application is hereby attached as "Schedule A".

6.0Water Stewardship License and Bell MTS and Manitoba Hydro Locates

- 6.1 If required, the Municipality shall make application to Water Stewardship for a drainage license. All associated costs shall be charged to the Property Owner.
- 6.2Where any Bell MTS or Manitoba Hydro locates are required, it is the responsibility of the Property Owner to acquire the locates.
- 6.3No work can commence until all required licenses, permits, and locates are in place.

7.0Approach and Culvert Specifications

7.1Approach Specifications

- 7.1.1 The approach shall be constructed of clay or A-base backfill with a minimum of 100 mm (4 in.) of good aggregate covering. No material larger than 20mm (3/4 in.) shall be used in the back fill. No frozen material may be used.
- 7.1.2 The standard residential approach shall be a minimum top width of 6 meters (20 ft.) and a maximum of 9 meters (30 ft.). The standard agricultural approach shall be a minimum top width of 9 meters (30 ft.) and a maximum of 15 meters (50 ft.).
- 7.1.3 The first 4 meters (13 ft.) of the approach from the road may be no higher in elevation than the shoulder of the road.

7.1.4 The minimum slope of the sides of the approach is to be no more than 2:1. The side slopes shall be grassed unless stipulated otherwise in the Permit.

7.1.5 No approach shall be constructed over water and sewer utility infrastructure such as curb stops or water and sewer lines.

7.2 Culvert Specifications

7.2.1 Unless stipulated in a Water Stewardship Drainage License, the size and the length of the culvert shall be at the discretion of the Public Works Supervisor or Designate.

7.2.2 Culverts must be placed at ditch bottom, countersunk ½ in. to 1 in. below ditch bottom.

7.2.3 The culvert can be purchased from the Municipality. The Property Owner may purchase a culvert from a different vendor, but the culvert must have equal specifications to the culvert required by the Municipality and the culvert must be approved by the Public Works Supervisor or designate.

7.3 Culvert End Treatments and Driveway Structures

7.3.1 Culvert end treatments must be approved by the Public Works Supervisor or designate.

7.3.2 No structures such as curbs or ornaments that are on the approach may extend above the elevation of the approach surface.

7.3.3 Floodgates and/or control structures on culverts shall only be permitted with the authorization of the Public Works Committee. The Public Works Committee shall notify Council if a floodgate and/or control structure has been installed.

8.0 Costs

8.1 The cost of installation and maintenance of all private approaches and culverts shall be the sole responsibility of the Property Owner. If an approach requires a culvert larger than 610 mm (24") due to hydraulic flow requirements, the Municipality shall pay the difference between a 610 mm (24") culvert and the culvert required.

8.2 The cost of keeping the culvert clear to allow for drainage which includes, but is not limited to, thawing a frozen culvert or clearing a blockage in a culvert created by beavers, shall be the sole responsibility of the Municipality.

8.3 During the reconstruction of a municipal roadway or drain, if it is necessary to relocate, change or replace an existing approach or culvert, the costs shall be the sole responsibility of the Municipality.

8.4 The Municipality shall not be liable for damages to approach structures or superficial damage to culvert ends resulting from any road or drainage maintenance.

9.0 Unauthorized and Non-Conforming Installations of Private Approaches and Culverts.

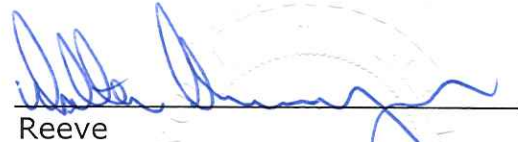
9.1 If a private approach and/or culvert has been installed or altered without a permit, the Property Owner shall be instructed to remove the approach and or culvert within seven (7) days.

- 9.2 Failure to remove an unauthorized approach and/or culvert shall result in the Municipality removing the approach and/or culvert at the Property Owner's cost.
- 9.3 If an authorized installation does not conform with the specifications required by the Municipality the Property Owner shall be required to bring the installation into conformity at the Property Owner's sole cost.
- 9.4 Failure to bring the approach and/or culvert into conformity with this policy shall result in the Municipality rectifying the non-conformities at the property owner's sole cost.

10.0 Emergency

- 10.1 The Municipality may take whatever actions or measures are necessary to eliminate or mitigate an emergency situation that may be perceived or arisen. Such actions may include removal or alteration of an approach and culvert.
- 10.2 Any approach or culvert that has been removed or altered as result of an emergency situation will be returned to their original condition at the sole cost of the Municipality.

DONE, PASSED and ENACTED by the Council of The Rural Municipality of Whitemouth in regular session assembled, this 22nd day of October, A.D. 2019.



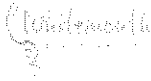
Reeve



Chief Administrative Officer

Read a first time this 8th day of October, A.D. 2019.
Read a second time this 8th day of October, A.D. 2019.
Read a third time this 22nd day of October, A.D. 2019.

SCHEDULE A



RURAL MUNICIPALITY OF WHITEMOUTH

Box 248

Whitemouth, MB R0E 2G0

Phone: (204) 348-2221

E-mail: cao@ymwhitemouth.com

Fax: (204) 348-2376

Website: rmwhitemouth.com

OFFICE USE
PERMIT NO.
ROLL NO.

INSTRUCTIONS
1. Print Clearly
2. Appropriate Fee Must
Accompany Application

CULVERT / APPROACH
APPLICATION

DATE: _____

LOCATION:

Section _____ Township _____ Range _____ Lot _____ Block _____ Plan _____

Adjacent to Road, Avenue or Street _____

Check one of the following:

Construct an Access Driveway Relocate an existing Access Driveway Modify an existing Driveway

Location of requested access _____ feet from _____ corner of property.

Note:

- (1) Does this property presently have access? Yes No How many? _____
- (2) Sketch showing location of requested driveway and existing driveway(s) must be attached to this application.
- (3) A Google Photo or clear map must accompany this application.

PROPERTY:

Title _____; Frontage on Road _____ feet; Size _____ acres

PROPOSED USE:

(a) Agricultural (b) Residential (c) Commercial (d) Other

If (c) or (d), describe fully proposed use: _____

APPLICANT:

Name _____

Address _____

Postal Code _____

Phone No. _____

I declare that all information in regard to this application is true and correct.

Signature _____

Date _____ 20____

REGISTERED LAND OWNER:

(if different to the applicant)

Name _____

Address _____

Postal Code _____

Phone No. _____

I hereby authorize the applicant to apply on my behalf.

Signature _____

Date _____ 20____

ADDITIONAL INFORMATION: _____

SCHEDULE A

SPECIAL CONDITIONS:

- (1) Once validated, this application becomes a permit.
- (2) When the access is to be installed, the applicant must notify the Public Works Supervisor 24 hours in advance at 348-2818.
- (3) The approach / culvert applied for must be completed with ninety (90) days from validation date and must comply with the specifications shown on the plans / drawing sheets.
- (4) For approval, please mail the completed application to the above address.
- (5) Upon validation, a copy will be mailed to the applicant, at which time the applicant may proceed as indicated above.
- (6) Applicable utilities shall be secured first, either by the owner or P&W before any works start.

Culvert Diameter _____ Length _____

Site Inspected by _____ Date _____ 20__

Application Validated by _____ Date _____ 20__

Culvert/Approach Installation Completed and Approved by _____
Date _____ 20__

MAP / SKETCH / DRAWING DESCRIBING THE PROPOSED PROJECT

