

# **RURAL MUNICIPALITY OF STRATHCLAIR**

## **BY-LAW NO. 5-2000**

### **BEING A BY-LAW OF THE RURAL MUNICIPALITY OF STRATHCLAIR FOR THE REGULATION CONTROL AND USE OF MUNICIPAL ROADS WITHING THE MUNICIPALITY.**

WHEREAS a Municipality is empowered under Section 231, Part 7, Division 2 of The Municipal Act S.M. 1996, c. 58 – Cap. M225, to pass by-laws for municipal purposes, including the managing, controlling, regulating and use of municipal roads within the municipality, particularly with regard to the following matters:

- (a) naming the roads, posting the names on public or private property, and numbering lots and buildings along 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) those activities as set out in Section 234 of the said Municipal Act;
- (e) the enforcement of by-laws.

AND WHEREAS by section 232(10) the municipality has the authority to enforce its by-laws.

AND WHEREAS by Section 232(a) of the said Municipal Act Council may, in a by-law, regulate or prohibit;

AND WHEREAS A MUNICIPAL ROAD IS DEFINED UNDER section 295 of the Municipal Act;

AND WHEREAS a municipality has by virtue of Section 287 of the said Municipal Act the direction and control and management of municipal roads within its boundaries;

AND WHEREAS the Council of the Rural Municipality of Strathclair passed By-Law No. 6/90 on the 10<sup>th</sup> day of January 1990 for controlled right and use of highways within its municipality.

**NOW THEREFORE BEING AND IT IS HEREBY ENACTED AS A BY-LAW OF THE RURAL MUNICIPALITY OF STRATHCLAIR, IN COUNCIL DULY ASSEMBLED, AS FOLLOWS:**

1. that By-Law No. 6/90 of the Rural Municipality of Strathclair is hereby repealed.
2.
  - (a) No person shall 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 substance whatever on a municipal road or public place;
  - (b) No person shall or cause another person to erect any fences on any municipal road within the said Municipality without the written consent of the authority of the Council of the said Municipality;
  - (c) Any person who throws, places, deposits or leaves or causes another person to throw, place, deposit or leave any substance as set out in Paragraph 2(a) on any municipal road or public place shall be under a duty to remove the said substance within twenty-four hours after having been requested to do so by the Health Officer or the Municipal Authority.
  - (d) In the event the request referred to in Paragraph 2(c) is not undertaken, within 24 hours, the Municipality may remove any of the said substances referred to in Paragraph 2(a) or at the Municipality's option arrange for the said removal and in both instances the removal shall be at the expense of the person so requested as set out in Paragraph 2(c).
  - (e) The Rural Municipality of Strathclair may recover the expenses of the removal referred to in Paragraph 2(d) hereof by levying against the property respecting which the matter or thing was done and recover the levy in like manner as taxes in arrears or as a debt due to the Rural Municipality of Strathclair.
3.
  - (a) No person shall clear or cause another person to clear any brush or trees or break any land on or in a municipal road without the written consent of the Rural Municipality of Strathclair.
  - (b) No person shall cause another person to place, deposit or leave any brush, trees or roots on a municipal road.

- (c) In the event that the land on or in a municipal road is cleared or broken without the proper written authority, as set out in Paragraph 3(a), the Municipality shall have the authority to:
  - i) prohibit the use of this broken or cleared land, and;
  - ii) to compel persons responsible for clearing and breaking the land to control weeds on the cleared and broken land by methods approved by the Rural Municipality;
- (d) Every operator of a bulldozer or any other land clearing equipment who contravenes Paragraph 3(a) or 3(b) shall be jointly and severally liable and responsible for damages caused, clean-up costs and/or penalties imposed.
- 4. (a) No person shall or cause another person to ground spray or aerial spray any herbicide or any pesticide on or in a municipal road;
- (b) Every operator of a ground sprayer or aerial sprayer who contravenes Paragraph 4(a) shall be jointly and severally liable for damages caused, clean-up costs and/or penalties imposed.
- 5. No person shall burn or cause to be burned any agricultural crop, hay, grass, brush, weeds, rubbish or other debris, on any municipal road within the Municipality without written permission from Council to do so.
- 6. No person shall obstruct or cause to be obstructed any municipal road without the written permission from Council to do so.
- 7. It shall be lawful for the Reeve of the Municipality to appoint a three-member committee to decide what action shall be taken under any provisions of this By-Law. The Committee shall appoint a Chairman unless the Reeve is on the Committee, at which time the Reeve shall be the Chairman.
  - (a) Any person or persons found guilty of any infraction or violation of any of the provisions of this By-Law shall be liable to a fine or penalty not exceeding \$1,000.00; and costs and the continuing of the infraction or violation on each day is a separate offence;
  - (b) The penalties set out in Paragraph 8(a) shall be in addition to and not in derogation from any expenses to be collected by the Rural Municipality as set out in Paragraphs 2(d), 2(e), 3(b), 3(c), 4(b).

**DONE AND PASSED IN COUNCIL DULY ASSEMBLED AT THE VILLAGE OF STRATHCLAIR, IN THE PROVINCE OF MANITOBA, THIS 4<sup>TH</sup> DAY OF OCTOBER, 2000.**

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

Read a first time the 6<sup>th</sup> day of September 2000.

Read a second time the            day of            2000.

Read a third time the            day of            2000.

Approved pursuant to the Municipal Act.

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