

RURAL MUNICIPALITY OF ALEXANDER
PRIVATE APPROACH / ACCESS CROSSING
BY-LAW 21/11

Being a By-law of the Rural Municipality of Alexander to establish the requirements for installation of 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;
 - iii. prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted,
 - iv. 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,
 - v. 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
 - vi. 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 Alexander 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, re-installation, re-construction, or maintenance of access crossings;

NOW THEREFORE, the Council of the Rural Municipality of Alexander, 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, re-installation, or re-construction or maintenance of the private approach or access crossings shall apply for approval of the construction, re-installation, or re-construction or maintenance from the Manager of the Public Works Department or his designate prior to any construction or alteration.
2. All applicants for construction, re-installation, or re-construction 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, re-installation, or re-construction or maintenance on the private approaches with the initial approval.
4. All costs related to the construction, re-installation, or re-construction 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 owner’s property until final approval for the private approach or access crossing has been granted by the Manager of Public Works or his designate. Where a property is land-locked, or surrounded by water, has no direct access to a municipal road, or access onto an undeveloped road allowance, Council may authorize, by resolution, permission for the owner to be issued a building permit without the requirement for the site to be served by a proper culvert and crossing.
- 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. 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 the Manager of Public Works or his designated officer.
- 9. 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.
- 10. No person shall alter in any manner whatsoever the grade of a ditch without the written permission of the Manager of the Public Works Department or his designate.
- 11. 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.
- 12. That Private Approach By-law 21/07 be hereby rescinded.

DONE AND PASSED in Council duly assembled, in the Council Chambers of the Municipality in the Village of St. Georges in the Province of Manitoba this 29th Day of November A.D. 2011.

THE RURAL MUNICIPALITY OF ALEXANDER

Original Signed by Ed Arnold
Reeve

Original Signed by Scott Spicer
Chief Administrative Officer

READ A FIRST TIME this 8 th day of November A.D. 2011	Resolution No. 664/11
READ A SECOND TIME this 29 th day of November A.D. 2011	Resolution No. 708/11
READ A THIRD TIME this 29 th day of November A.D. 2011	Resolution No. 709/11

PO Box 100, St. Georges, MB R0E 1V0
Telephone: (204) 367-6170 Fax: (204) 367-2257
Public Works: (204) 367-6185

Schedule 'A'
Application for Private Approach or Access Crossing
(& Culvert Placement)

Issued under the authority of By-Law 21 / 11

PROPERTY DESCRIPTION

Ward _____ Roll # _____

Civic: _____

Legal: Lot _____ Block _____ Plan _____

Section _____ Township _____ Range _____

REGISTERED OWNER(S):

Name(s): _____

Mailing address: _____

Tel: () _____ Fax: () _____ E-mail: _____

I hereby apply for a permit to install a private approach or access crossing which may require a culvert at the above civic address; I understand that approval is required prior to commencing any construction and that a final inspection is required upon completion of the installation. I confirm that only one private approach is permitted per property, and I further understand that if I do not construct the private approach / access crossing in accordance with the approval of the Municipality and their standards, the Municipality will refuse to issue a building permit and in addition may remove the approach or construct the approach to Municipal standards, all of which costs for the removal or reconstruction may be added to real property taxes for that property. I have READ and UNDERSTAND the attached private approach / access crossing & culvert placement requirements, as well as the related By-Law.

SIGNATURE of owner / applicant: _____ Date: _____

Applicant's name (Print): _____ Signature: _____
(if different from owner)

Contractor: _____ Phone: _____

To be completed by **PUBLIC WORKS DEPARTMENT:**

Is Civic Sign: _____ Already in? _____ Required?
OR, if required, then _____ Ready to install?

Approved for Culvert Installation as specified

BY: _____ DATE: _____

REQUIREMENTS: SIZE: DIAMETER _____ mm LENGTH: _____ m THICKNESS 1.6 mm

Additional Instructions / Comments: _____

Culvert Installation Complete – Final Inspection by: _____ Date: _____

Civic Sign Installation Completed by: _____ Date: _____

REQUIREMENTS FOR:

PRIVATE APPROACH/ACCESS CROSSING & CULVERT PLACEMENT

A **\$125.00** non-refundable culvert application fee is required (cheque or cash/debit ONLY).

NO BUILDING PERMIT shall be issued for any building until final approval is granted for the private approach / access crossing.

ALL COSTS related to the private approach / access crossings (and culvert) are the *responsibility of the property owner*.

NOTE: **YOU must call Public Works to book an appointment for each inspection (both INITIAL and FINAL inspections).**

Allow a minimum of 7 to 14 working days for approval.

PRIOR TO INITIAL INSPECTION the property owner MUST

- PROVIDE A DIAGRAM on a (plot) plan map showing the location of the proposed approach/access/driveway AND
- Mark the corner lots pins AND
- Physically stake each edge of the proposed installation

Please note that:

- Final approvals submitted in the winter may require a spring inspection.
- Building construction permits for winter months will require homeowner to apply in the early fall for approach to ensure that an inspection can take place prior to ground freezing and snowfall.

PLACEMENT and CONSTRUCTION STANDARDS

Culvert:

- **SIZE** is to be determined by Public Works after initial site inspection
- Must be of **CORRUGATED STEEL PIPE** construction
- Must be **10 feet away from the property side yard lot lines** unless otherwise approved
- Must be dug in 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 part of the crossing shall be higher than the shoulder of the road

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

CIVIC SIGN REPLACEMENT

Initial civic sign and post is provided free of charge by the municipality, however any *replacement costs are the responsibility of the property owner*. (Civic Sign Policy)