

## TOWN OF LAC DU BONNET

### BY-LAW 30/21

**BEING** a By-Law of the Town of Lac du Bonnet to establish guidelines for the installation of driveways and culverts within the Town limits and to repeal By-Law 66/07.

**WHEREAS** Section 232(1) of *The Municipal Act* provides that a council may pass By-Laws for municipal purposes respecting the following matters;

- a) the safety, health, protection and well-being of people, and the safety and protection of property;
- 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.

**AND WHEREAS** Section 232(2) of *The Municipal Act* permits council to establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

**AND WHEREAS** Section 245(1) of *The Municipal Act* provides that a municipality may take whatever action or measures necessary to remedy a contravention of a By-Law;

**AND WHEREAS** Section 294.1(2) of *The Municipal Act* provides that subject to the rights vested in any other party under *The Water Resources Administration Act* or *The Water Rights Act*, a municipality has jurisdiction over every drain within its boundaries;

**AND WHEREAS** the Council of the Town of Lac du Bonnet deems it necessary to establish guidelines for the construction, re- construction of driveways and installation of culverts;

**NOW THEREFORE** the Council of the Town of Lac du Bonnet, in meeting duly assembled, enacts as follows:

1. All construction or re-construction of driveways shall be pre-approved by the Public Works Manager, in accordance with the standards as described in this By-Law.
2. All culverts being installed, and/or replaced, shall be approved material and construction and shall be pre-approved by the Public Works Manager, in accordance with the standards as described in this By-Law.
3. When approved by the Public Works Manager, all culverts installed in accordance with the approval shall become the property of the Town and any alteration thereof will require further approval.
4. No person shall alter in any manner the grade of a ditch without written permission of the Public Works Manager.
5. The Public Works Manager or designate shall check the elevation and or angle of each culvert installation to ensure that drainage and the flow of water is not adversely affected.
6. All driveways shall be at the grade standard of the road.


7. Only one driveway per lot shall be allowed unless prior approval from Council is obtained. When changing location of a driveway, the existing driveway must be removed.
8. All driveways and/or culverts when installed shall be subject to a final approval by the Public Works Manager and no building permit shall be issued for any buildings on the owners' property until final approval for the driveway and/or culvert has been granted by the Public Works Manger.
9. Where damage is done to municipal property, the repair of same is the responsibility of the property owner.
10. The installation or removal of a culvert is the responsibility of the property owner including all costs. The construction, re-construction of a driveway is the responsibility of the property owner including all costs.
11. If the Town is required to remove an existing driveway and/or culvert during the performance of roadway, drainage or other works, the Town shall reinstall the driveway and/or culvert at the Town's cost.
12. If the Town finds the existing culvert is in need of replacement as a result of its condition, the Town shall reinstall a new culvert. The property owner shall be responsible for the cost of the culvert which shall be paid to the Town. Upon payment of the culvert the Town shall install the replacement culvert.
13. In the event of non-compliance of this By-Law, Council of the Town of Lac du Bonnet shall order the Public Works Manager to remedy the situation at the expense of the property owner. Any unpaid fees owed by the property owner or cost incurred by any remedial actions or measures required to be taken by the Town may be added to the taxes of the said property and may be collected or enforced in the same manner as a tax may be collected or enforced under *The Municipal Act*.

**DONE AND PASSED AND ENACTED** as a By-Law of the Town of Lac du Bonnet in the Province of Manitoba this 10<sup>th</sup> day of November, 2021.



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Mayor, Gordon Peters



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CAO, Darcey Wittig

Read a first time this 28<sup>th</sup> day of October, 2021.

Read a second time this 10<sup>th</sup> day of November, 2021.

Read a third time this 10<sup>th</sup> day of November, 2021.