

RURAL MUNICIPALITY OF ST. ANDREWS
BY-LAW NO. 3986

BEING a By-Law of the Rural Municipality of St. Andrews in respect of the obstructions of municipal roadways.

WHEREAS the provisions of The Municipal Act, S.M. _____ allows the Municipality a broad latitude of maintaining public works within the Municipality.

AND WHEREAS concerns have been raised within the Municipality in respect of trees, shrubs and other objects obstructing highways and safe lines of sight along highways, intersections and on public rights-of-way within the Municipality.

AND WHEREAS the Municipality wishes to ensure safe passage on highways and public rights-of-way within its jurisdiction within the Municipality.

NOW THEREFORE the Council of the Rural Municipality of St. Andrews at an open session hereby enacts as follows:

1. The terms of the preamble shall form an integral part of this agreement.
2. No persons shall allow any tree, shrub, structure or other thing upon his or her property to encroach over, onto, above, or upon any highway or public right-of-way within the Municipality, nor shall such person allow safe lines of sight along such highway or such public right-of-way to be obstructed by any tree, shrub, structure or other thing from upon his or her property.
3. Where it is determined that an obstruction referred to in Clause 2 hereinbefore is occurring, Council may by resolution direct that the owner or occupant of the property on which the obstruction is located cause same to be removed from over, onto, above or upon such highway or public right-of-way in question. The resolution shall further state that should the owner or occupant of the property fail to cause such obstruction to be removed, the Municipality will be entitled to cause the removal of such obstruction and further, that the Municipality shall be entitled to bill the costs of such removal to the owner or occupant of such property and failing payment of such cost, add the amount of such costs to the Property Tax Roll for such property.
4. Notice of such resolution shall be given to the owner or occupier, as the case may be, by either;
 - (a) Having same delivered personally to the last known address of the owner or occupant as shown on the current Municipal Tax Roll.
 - (b) By sending same by regular mail to the last known address of the owner or occupier as set out on the current Municipal Tax Roll.

In the event of mailing, delivery shall be deemed to have been made 5 (five) business days after the mailing of such notice to the address referred to above.

5. In the event that the obstruction is not removed by the owner or occupant, as the case may be, within 10 (ten) days of the date of delivery of such notice as set out aforesaid, the Municipality shall be entitled to cause such obstruction to be removed.

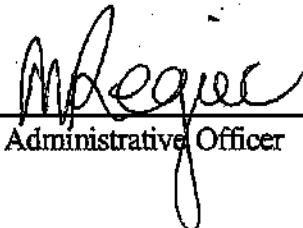
6. In the event that the Municipality has caused the removal of the obstruction, the cost of such removal shall be billed to the owner or occupant of the property, as well the case may be, which billing shall be forwarded to the owner or occupant as the case may be, in the same manner as set out in Clause 4 hereinbefore. In the event that the account is not paid within 30 (thirty) days of the date of being delivered as aforesaid, the Municipality shall be entitled, by resolution, to add the amount of such unpaid account to the Tax Roll for the property in question and collect same as unpaid taxes.
7. All proper officers of the Municipality shall be entitled to take such further action as may be required to give effect to this By-Law.

DONE AND PASSED as a by-law of The Rural Municipality of St. Andrews at Clandeboye in the Province of Manitoba this 25 day of November A.D. 1997.

THE RURAL MUNICIPALITY OF ST. ANDREWS



Reeve



Chief Administrative Officer

RECEIVED First Reading on this 20th day of October A.D., 1997.

RECEIVED Second Reading on this 25 day of November A.D., 1997.

RECEIVED Third Reading on this 25 day of November A.D., 1997.